

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

Report of the Head of Planning

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

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

SITE LOCATION AND DESCRIPTION

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

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

PLANNING HISTORY

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

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

APPEAL HISTORY

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

PROPOSED DEVELOPMENT

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

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

- 1.9. 10% of the proposed dwellings (2 units) would comprise affordable housing in line with the Section 106 agreement attached to the outline consent.
- 1.10. The proposed development will comprise 4 terraced houses, 12 semi-detached houses and 4 detached houses. 12 of the houses would be two storeys high and 8 of the houses would be two storeys high with accommodation in the roof-space.
- 1.11. The proposed dwellings will feature red and cream/buff brickwork, red and brown hung tiling, cream weatherboarding and pitched roofs with red/brown and dark grey tiling. Architectural features will include front gables, single storey bay windows with hipped roofs, modest sized dormer windows and pitched and flat roof canopies to front doors.

CONSULTATION

2.1. 1 round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.

2.2. 12 letters of objections were received in relation to the consultation. Concerns were raised in relation to the following matters:

- Overdevelopment;
- Very close proximity and overlooking of Iwade Primary School giving rise to playing field safeguarding and privacy issues for pupils and teachers;
- Green space is used by the residents and children as a recreation and play area and is one of the main reasons some residents moved in;
- Adjacent houses were purchased on understanding that the green space would not be developed and would ultimately be handed to the school;
- Lack of open space locally / Iwade village has already lost numerous green spaces;
- Loss of trees and shrubs;
- Impact on wildlife;
- There should be planting along the boundary with the school;
- Developer should meet costs of tree planting by school;
- Proposed hedgerows are not tall enough to ensure privacy;
- Dunlin Walk residents will overlook parked cars instead of green space / planting should be carefully considered for Dunlin Walk residents;
- Increased air pollution / noise and pollution from construction activity;
- Increased pressure on already inadequate parking in the locality;
- Increased traffic using surrounding roads including dangerous corner with minimal visibility on the road by 55 and 57 Sanderling Way;
- Pedestrian pavement necessary for the cul-de-sac;
- The access on Dunlin Walk/Sanderling Way crosses a well-used footway;
- Pedestrian safety concerns for school pupils walking home;
- Safe pavement required between 4 and 5 Dunlin Walk;
- Lack of footpath/pavement from parking to houses at 1 - 4 Dunlin Walk;
- Turning head may be used for car parking;
- Visitor parking spaces may be used by residents;
- Construction traffic and parking needs to be properly managed;
- Unsafe and inadequate site access, including for construction traffic;
- Difficult access for emergency services;
- Potentially lower the value of the surrounding properties;
- Increased pressure on already stretched local infrastructure and services;
- Houses could be at risk of subsidence.

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

- Proposal would fail to provide safe vehicular access. Apart from the issues of the junction of The Street and Sanderling Way, access to the site is unacceptably unsafe. Vehicles exiting the proposed development from the western end run the very real risk of collision with vehicles entering and exiting the parking spaces of residents at houses 1-4;

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

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

REPRESENTATIONS

- 2.5. **SBC Design and Conservation:** - No objections raised. No designated or non-designated heritage assets would be materially impacted by the proposed development.
- 2.6. **Lower Medway Internal Drainage Board:-** The Board supports the comments of KCC as the Lead Local Flood Authority.
- 2.7. **KCC Archaeology:** - No comments.
- 2.8. **KCC Ecology:** - Proposed layout will not result in the loss of any ecological mitigation or ecological enhancement areas previously agreed within the outline application. Due to the size of the proposal, there are limited opportunities for landscaping but the landscaping plan has confirmed that native species planting will be planted along the site boundaries and a number of the shrubs proposed do benefit pollinators. Therefore, we are satisfied that the planting will provide some benefit for biodiversity.
- 2.9. **KCC Drainage:** - No objections raised. It should be further demonstrated that the receiving surface water system has sufficient capacity, and this can be addressed through condition 10 of the outline consent which required the submission of a detailed drainage design.
- 2.10. **National Highways:** - No objections raised.

- 2.11. **KCC Highways:** - No objections raised subject to conditions and informatives.
- 2.12. **KCC Public Rights of Way:** - No objections raised. Informatives are requested (see recommended informatives Nos. 9-12).
- 2.13. **Environment Agency:** - No objections raised.
- 2.14. **Natural England:** - No comments.
- 2.15. **NHS Kent and Medway:** - Proposal will have implications for the delivery of general practice services which will require mitigation through the payment of a financial contribution of £17,280 based upon the proposal generating approx. 48 new patient registrations.
- 2.16. **Southern Water:** - No objections raised. The proposed method of foul disposal is satisfactory. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act. The consent of the Highway Authority will be required for the proposed discharge to the Highway drain.
- 2.17. **Kent Police:** - No further comments following outline stage response.
- 2.18. **Health and Safety Executive (Explosives):** - No objections raised.
- 2.19. **Environmental Protection Team:** - No objections raised. Relevant conditions were attached to the outline consent. The applicant should be reminded of the requirements relating to the Code of Construction Practice (Informative No. 1).
- 2.20. **Affordable Housing Manager:** - No objections raised.

DEVELOPMENT PLAN POLICIES

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

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

Supplementary Planning Guidance:

- Developer Contributions (2009)
- Parking Standards (2020)

Swale's Landscape Character and Biodiversity Appraisal (2011)
Swale Landscape Assessment (2019)

ASSESSMENT

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

Principle

- 4.4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with development plan unless material considerations indicate otherwise.
- 4.5. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 4.6. The principle of the development of the site to provide 20 dwellings has been established by the grant of outline consent under application reference 18/506328/OUT at appeal. The inspector considered that the outline stage proposal was acceptable subject to conditions and the submission of satisfactory details of reserved matters.

Size and Type of Housing

- 4.7. The Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA).
- 4.8. The indicative mix at outline stage comprised 4 two-bedroom houses (terraced), 10 three-bedroom (8 terraced and 2 detached) and 6 four-bedroom detached houses. The application proposes 3 two-bedroom houses (semi-detached), 13 three-bedroom houses (4 terraced and 9 semi-detached), and 4 four-bedroom detached houses. This mix includes two affordable units (1 two-bedroom semi-detached house and 1 three-bedroom semi-detached house).
- 4.9. The proposed market housing would comprise 11.1% two-bedroom houses, 66.7% three-bedroom houses and 22.2% four-bedroom houses which represents an under-provision of two-bedroom houses an over-provision of three and four-bedroom houses in relation to the need identified in the SHMA.
- 4.10. The proposed affordable housing would comprise 1 two-bedroom house and 1 three-bedroom house.
- 4.11. Surrounding development is characterised by family housing which would typically be two, three and four bedrooms in size. Three-bedroom houses would appear to predominate in this locality.
- 4.12. It is noted that the proposed housing mix does not fully reflect the housing need identified in the SHMA. However, having regard to the size and location of the development, the indicative mix provided at outline stage and the size and type of housing characteristic of the surrounding area, the proposed mix of housing size and types is considered acceptable. The proposal would provide a suitable mix of dwellings to contribute to the housing needs of the borough in accordance with the Local Plan and the NPPF.

Affordable Housing

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

Landscape and Visual

- 4.15. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*'.
- 4.16. The site presently comprises an open grassed area with some boundary trees and shrubs. An Arboricultural Impact Assessment and Arboricultural Constraints Report was carried out at outline application stage and it was identified that the trees on the site were low quality stock and there were no arboricultural reasons to refuse the outline consent. The outline consent was subject to the following conditions:
- Condition 6 secured an Arboricultural Method Statement;
 - Condition 7 set out the details of landscaping that should accompany the reserved matters submission;
 - Condition 8 requires the replacement of any trees and shrubs which die, are severely damaged or become diseased within five years of planting;
 - Condition 30 required that the reserved matters included details of boundary treatment on the southern boundary of the site with the school.
- 4.17. There are limited opportunities for new landscaping having regard to the development approved under the outline consent, including the car parking requirements of the scheme. The proposed landscaping includes lawn, trees and lower-level vegetation to create buffers and breaks including hedging to provide some screening of parked cars along the northern boundary of the site adjacent to Dunlin Walk. Tree planting is proposed along the southern boundary of the site to provide screening to the school and address condition 30 of the outline consent. A condition (No. 8) is recommended to secure retention of the approved landscaping for a period of 10 years (rather than the standard 5 years).
- 4.18. KCC Ecology note that due to the size of the proposal there are limited opportunities for landscaping but the landscaping proposal includes native species planting and a number of the shrubs which benefit pollinators and will provide some benefit for biodiversity.
- 4.19. It is considered that the proposed soft landscaping will serve to soften the impact and improve the setting of the development, albeit the opportunities for planting are limited having regard to the outline consent and the car parking requirements. The tree screening along the southern boundary should limit views into the school grounds from the proposed houses. The proposed landscaping scheme is considered satisfactory and in accordance with the provisions of the Local Plan and the NPPF.

Heritage

- 4.20. The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 4.21. The Council's Conservation and Design Manager has confirmed that no designated or non-designated heritage assets would be materially impacted by the proposed development, either

directly or indirectly. Furthermore, there is not evidence to suggest that the application site holds any historic interest.

Archaeology

- 4.22. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 4.23. Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 4.24. The site is located in an area of Potential Archaeological Importance and Iwade is generally archaeologically sensitive with remains of prehistoric, Roman, Saxon and medieval date having been found during development works in and surrounding the village. Condition 13 of the outline consent secured details of a programme of archaeological works.
- 4.25. On this basis, the proposal is considered consistent with the provisions of policy DM 34 of the Local Plan, and the NPPF.

Character and Appearance

- 4.26. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people.
- 4.27. In line with the NPPF, Policies CP 4 and DM 14 of the Local Plan requires design of the development to be of a high quality that conserves and enhances the natural and/or built environments; is well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. New development should create safe, accessible, attractive places that make safe physical and visual connections within the development itself and its surroundings.
- 4.28. At outline stage it was considered that 20 dwellings could reasonably be accommodated on the site without a harmful impact on visual amenity or the character of the wider area. The highways arrangement is consistent with the outline stage indicative layout and involves an access from Sanderling Way between Nos. 4 to 5 Dunlin Walk towards the western end of the site and a cul-de-sac arrangement with a turning head at the eastern end of the site. The inspector considered that there was significant scope to design a scheme at reserved matters stage to provide sufficient on-site parking in line with the Parking Standards SPD whilst avoiding an unacceptably cramped arrangement. The proposal will provide 48 resident car parking spaces and 8 visitor car parking spaces (56 in total) with 4 resident spaces provided within car ports / barns. The range of different parking solutions is intended to create variety in the streetscape and to reinforce the character of the area. The proposed car parking would accord with the SPD whilst providing the opportunity for some soft landscaping and tree planting.
- 4.29. The indicative mix at outline stage comprised 4 two-bedroom houses (terraced), 10 three-bedroom (8 terraced and 2 detached) and 6 four-bedroom detached houses. The proposed development comprises 3 two-bedroom houses (semi-detached), 13 three-bedroom houses

(4 terraced and 9 semi-detached), and 4 four-bedroom detached houses. 12 of the houses would be two storeys high and 8 of the houses would be two storeys high with accommodation in the roof-space.

- 4.30. The layout of the proposed scheme is broadly comparable to the indicative layout approved at outline stage which was considered to complement the form and layout of development in the locality and result in a development which is acceptable in character and visual amenity terms.
- 4.31. The design of the different house types is informed by a local character study and incorporates traditional architectural features which reflect the surrounding context. The architectural design and materiality includes the following:
- Red and cream/buff brickwork, red and brown hung tiling and cream weatherboarding;
 - Pitched roofs featuring red/brown and dark grey tiling and some front gables and dormer windows;
 - Single storey bay windows with hipped roofs and modest sized dormer windows;
 - Pitched and flat roof canopies to front doors.
- 4.32. Condition 14 of the outline consent secured details of external finishing materials.
- 4.33. It is considered that the proposed architectural approach and materiality is an appropriate response to the site's context which would ensure that the development integrates satisfactorily with its surroundings.
- 4.34. It is considered that the overall appearance of the development would provide for a varied street scene and would complement the surrounding context, thereby maintaining local character and making a positive contribution to the quality of the local environment. Accordingly, it is considered that the proposal is in accordance with the NPPF and Local Plan policies CP 4 and DM 14.

Ecology

- 4.35. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP 7 and DM 28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 4.36. An Appropriate Assessment was carried out at outline stage and adopted by the Planning Inspectorate as the Competent Authority, which concluded that the proposed development will not adversely affect the integrity of the Medway Estuary and Marshes SPA subject to securing appropriate mitigation through a SAMMS payment. Accordingly, a payment of £4,991.20 (index linked) was secured through the Section 106 agreement attached to the outline permission.
- 4.37. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity

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

4.38. National planning policy aims to conserve and enhance biodiversity, and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".

4.39. In terms of the Local Plan policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

4.40. The outline application was accompanied by an Ecological Assessment which identified that the site may form part of a route used by great crested newts between 2 ponds within the school grounds and ponds to the north and east of Iwade village. Mitigation was proposed involving a raised bank within the rear gardens of the proposed dwellings planted with native species hedging along with enhancements for the benefit of great crested newts. KCC Ecology were satisfied with the ecological survey work undertaken and the proposed mitigation measures subject to appropriate conditions. The outline planning permission granted at appeal was subject to the following conditions:

- Condition 15 which secured an Ecological Mitigation and Enhancement Strategy and Management Plan;
- Condition 16 which required that all external lighting shall be installed in accordance with the approved Ecological Assessment;
- Condition 17 which secured measures to allow the movement of hedgehogs;
- Condition 18 which secured a scheme of biodiversity enhancement.

4.41. KCC Ecology raise no objections to the reserved matters application, noting that the proposed layout will not result in the loss of any ecological mitigation or ecological enhancement areas previously agreed within the outline application. They note that, due to the size of the proposal there is limited opportunities for landscaping. However, the landscaping plan has confirmed that native species planting will be planted along the site boundaries and a number of the shrubs proposed do benefit pollinators. Therefore, KCC Ecology are satisfied that the planting will provide some benefit for biodiversity.

4.42. Having regard to the outline consent it is considered that the proposed development is acceptable in terms of ecology and biodiversity in accordance with Local Plan policies CP 7 and DM 28 and the NPPF.

Transport and Highways

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

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

4.44. The NPPF also states that:

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

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

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

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

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

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

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

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

Air Quality

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

Community Infrastructure

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

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

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

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

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

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

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

Open Space

4.63. Policy DM 17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor recreation and play space, including urban parks, children's play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there. This space should be fully accessible all year round and therefore is generally not appropriate for Sustainable Urban Drainage Systems such as stormwater ditches.

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

provision in the village. Accordingly, the proposal is considered acceptable in relation to open space and therefore in compliance with policy OS 11 of the Local Plan and the NPPF.

Flood Risk, Drainage and Surface Water

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

Contamination

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

Living Conditions

Existing residents

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

Future residents

- 4.74. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 4.75. The floor plans indicate that the proposed dwellings would provide functional layouts with adequate space for furnishings within each unit and in this regard are considered to provide a satisfactory standard of accommodation for future occupiers.
- 4.76. The layout of the development is also considered to provide sufficient external amenity space to serve future occupants. It is recommended that permitted development rights be removed by condition (No. 7) to control development in rear gardens and ensure that adequate private amenity space to the dwellings is retained.
- 4.77. Refuse storage would be accommodated out of sight within the rear garden areas. The layout has been designed to allow for direct external access from the rear to the front of each dwelling to enable the refuse to be moved to kerbside collection points on refuse collection days without the need to travel internally through the dwelling.
- 4.78. The proposal would deliver a development which is acceptable in terms of the living conditions of both future occupiers and the occupiers of existing nearby residential properties. The proposal is therefore considered to be in accordance with the Local Plan and the NPPF.

Sustainability / Energy

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

Other Matters*Outline stage conditions*

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

Conclusion

- 4.82. The details of reserved matters for 20 residential dwellings are considered to align with the development parameters established by the original outline planning consent. Furthermore, the reserved matters planning application is in accordance with national and local planning guidance in respect of matters associated with access, layout, scale, landscaping and appearance.
- 4.83. As such the proposals are considered acceptable and compliant with NPPF guidance and Local Plan policies. In view of the above it is recommended for that the reserved matters application be approved.

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

CONDITIONS/REASONS

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

2263 / P / 10.01 Location Plan
 2263 / P / 10.02 Rev. D - Site Layout
 2263 / P / 10.03 Rev. D - Boundary Treatments Plan
 2263 / P / 10.04 Rev. D - Secure by Design Principles
 2263 / P / 10.05 Rev. D - Refuse Strategy
 2263 / P / 10.06 Rev. D - Electric Charging Points Strategy
 2263 / P / 10.07 Rev. D - Cycle Storage Strategy
 2263 / P / 10.08 Rev. D - Materials Plan
 2263 / P / 20.01 Type DW1 – Floor Plans
 2263 / P / 20.02 Type DW1 – Elevations
 2263 / P / 20.11 Type DW2 – Floor Plans
 2263 / P / 20.12 Type DW2 – Elevations 1
 2263 / P / 20.13 Type DW2 – Elevations 2
 2263 / P / 20.21 Type DW3 – Floor Plans
 2263 / P / 20.22 Type DW3 – Elevations 1
 2263 / P / 20.23 Type DW3 – Elevations 2
 2263 / P / 20.31 Type DW4 – Floor Plans
 2263 / P / 20.32 Type DW4 – Elevations
 2263 / P / 20.41 Type DW5 – Floor Plans
 2263 / P / 20.42 Type DW5 – Elevations
 2263 / P / 20.101 Type DWAF1 – Floor Plans
 2263 / P / 20.102 Type DWAF1 – Elevations
 2263 / P / 20.111 Type DWAF2 – Floor Plans
 2263 / P / 20.112 Type DWAF2 – Elevations
 2263 / P / 40.01 Rev. A - Street Scene
 2263 / P / 50.01 Rev. A - Single Carport
 2263 / P / 50.02 Rev. A - Twin Carport
 2709-URB-ZZ-00-DR-L-498150-150-P00g – Detailed Planting Plan
 14892-TDA-XX-XX-DR-C-56001 Rev. D - Vehicle Swept Path Analysis Refuse Vehicle
 14892-TDA-XX-XX-DR-C-56002_A_Vehicle Swept Path Analysis Fire Tender

Reason: For the avoidance of doubt.

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

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

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

INFORMATIVES

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

8. You are reminded that construction works should not commence until a Code of Construction Practice has been submitted to and approved by the LPA under condition 19 of the outline consent. Your attention is drawn to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
9. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
10. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
11. Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
12. No trees or shrubs should be planted within 1.5 metres of the public right of way.

