

**PLANNING COMMITTEE – 6 AUGUST 2024****PART 2**

Report of the Head of Planning

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

<b>2.1 REFERENCE NO - 23/505420/REM</b>		
<b>PROPOSAL</b> Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for creation of the eastern spine road (Phase 2D), pursuant to 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 planning permission subject to appropriate conditions with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
<b>APPLICATION TYPE</b> Reserved Matters		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The number of representations received contrary to the recommendation. Borden Parish Council object to the proposal.  The main concerns of the Parish Council are: <ul style="list-style-type: none"> <li>• Impact on nearby badger setts.</li> <li>• Drainage – particularly the impact of the deep bore soakaway</li> <li>• Construction areas left unopened risk trespass and anti-social behaviour.</li> </ul>		
<b>Case Officer</b> Carly Stoddart		
<b>WARD</b> Borden and Grove Park	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> Karen Dunn  <b>AGENT</b> DHA Planning
<b>DATE REGISTERED</b> 30.11.2023	<b>TARGET DATE</b> 13.08.2024	
<b>BACKGROUND PAPERS AND INFORMATION:</b> Documents referenced in report are as follows: -  All drawings submitted. All representations received.  Arboricultural Method Statement inc. Tree Protection Plan, dated November 2023 (uploaded 28 November 2023)  Eastern Link Road Construction Zone – 17-051-146, dated February 2024 (uploaded 23 February 2024)		

(Dormouse and Reptile Mitigation – Eastern Spine Road – 3825/TN17B Rev A/DM), dated April 2024 (uploaded 08/04/2024)

Soft Landscape 1 of 2 - WIS-BBA-ZZ-ZZ-DR-L-8005 P02, dated 11 February 2024 (uploaded 23 February 2024)

Soft Landscape 2 of 2 - WIS-BBA-ZZ-ZZ-DR-L-8006 P02, dated 11 February 2024 (uploaded 23 February 2024)

Response to Consultee Comments, dated 23 February 2024 (uploaded 23 February 2024)

#### Other applications

Appeal Decision for 17/505711/HYBRID, dated 29 April 2021 (uploaded 29 April 2021)

[17\\_505711\\_HYBRID--5237532.pdf \(midkent.gov.uk\)](https://midkent.gov.uk/17_505711_HYBRID--5237532.pdf)

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

[23/505420/REM | Approval of Reserved Matters \(Appearance, Landscaping, Layout and Scale sought\) for creation of the eastern spine road \(Phase 2D\), pursuant to 17/505711/HYBRID. | Land At Wises Lane Borden Kent ME10 1GD \(midkent.gov.uk\)](https://midkent.gov.uk/23/505420/REM | Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for creation of the eastern spine road (Phase 2D), pursuant to 17/505711/HYBRID. | Land At Wises Lane Borden Kent ME10 1GD (midkent.gov.uk))

## 1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is generally linear in shape and extends from Wises Lane across fields and Cryalls Lane towards Borden Lane. The site forms Phase 2D of the wider development which was granted planning permission following an Appeal against refusal of the hybrid proposal submitted under reference 17/505711/HYBRID as listed in the history section below.
- 1.2. The application site is currently formed of open agricultural land and located close to the Borden Nature Reserve which is to the south of Cryalls Lane. The Nature Reserve is within close proximity to the application site where the proposed road would cross Cryalls Lane heading into the vegetated area towards Borden Lane.
- 1.3. Borden – Harmans Corner Conservation Area and Borden – The Street Conservation Area are located to the south-west of the proposed road. There are listed buildings within the vicinity of the proposed road, located at Wises Lane, Cryalls Lane and Borden Lane. Two public rights of way (PRoWs) cross the application site ZR120 (from Cryalls Lane to the Wises Lane) and ZU43 (from Auckland Drive across the nature reserve linking to a network of other PRoWs connecting to Borden Lane and The Street).

## 2. PLANNING HISTORY

- 2.1. Following the grant of the hybrid planning permission, a number of reserved matters applications and applications to discharge conditions have been submitted. Only those relevant to this application are included in the list below.

- 2.2. **17/505711/HYBRID:** Hybrid planning application with outline 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.

Granted at appeal 29.04.2021

#### Non-material Amendment and Conditions Applications associated with the Hybrid

- 2.3. **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'.

Granted 06.09.2022

- 2.4. **22/500133/SUB:** Updated Baseline Ecological Report: Surveys for Breeding Birds, Bats, Reptiles and Dormouse (condition 58)

Granted 06.04.2022

- 2.5. **21/506820/SUB:** Revised Skylark Mitigation Strategy (condition 60)

Granted 11.04.2022 and legal agreement in place 15/09/2022.

- 2.6. **22/500640/SUB:** Phasing Plan (condition 2)

Granted 06.05.2022

- 2.7. **22/500639/SUB:** Construction Ecological Management Plan (CEMP) (condition 61)

Granted 06.05.2022

- 2.8. **22/500132/SUB:** Contaminated Land Assessment (condition 53)  
Granted 23.05.2022
- 2.9. **22/502221/SUB:** Air Quality (condition 70)  
Granted 06.02.2023
- 2.10. **22/501227/SUB:** Roads, Footways, Footpaths, Verges and Other Matters (condition 37)  
Granted 06.02.2023

### Reserved Matters

- 2.11. **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 outline 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.  
  
Granted 16.08.2023
- 2.12. **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 outline 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.

Granted 06.11.2023

- 2.13. **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 (Phase 2E), pursuant to application 17/505711/HYBRID.

Granted 13.11.2023

- 2.14. **24/500856/REM:** Approval of reserved matters (Access, Appearance, Landscaping, Layout, and Scale sought) for levels and earthworks changes for Phase 2F and the Primary School Land pursuant to 17/505711/HYBRID.

Currently under consideration

#### Conditions Applications Associated with this Phase (2D)

- 2.15. **24/501115/SUB:** Archaeological Written Scheme of Investigation and Evaluation (condition 66)

Granted 14.03.2024

- 2.16. **24/501002/SUB:** Updated Badger Survey (condition 59)

Granted 19.07.2024

### 3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the approval of reserved matters in relation to scale, appearance, landscaping and layout of the eastern link road to the approved application 17/505711/HYBRID.

- 3.2. The proposal comprises Phase 2D of the hybrid permission. Phase 2D will connect the link road to the central part of the link road and a roundabout to be located within Borden Lane.

### 4. CONSULTATION

- 4.1. Two rounds of consultation have 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. 160 letters of representation were received in relation to the consultation. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
Road to nowhere	7.10.6

Increased traffic - Major disruption to surrounding roads which are already at capacity	7.10.4
Impact on ability for emergency vehicles to move through traffic	7.10.4
Spine road should be completed in its entirety (connected to Borden Lane & Chestnut Street)	7.10.15
Single track (Cryalls Lane) unsuitable for increase in traffic	7.10.7 - 7.10.8, 7.10.14
Highway safety hazard including to vehicles, pedestrians, cyclists, horse-riders	7.7.3, 7.10.9 - 7.10.11
Damaging to country lanes	7.15.4
Dead end will increase antisocial behaviour, fly-tipping and other criminal activity	7.15.1 – 7.15.3
Road will be a rat-run	7.10.5, 7.10.20
Encourage speeding	7.7.3, 7.10.19
No crossing points	7.7.3
No traffic calming measures	7.7.3
Deep borehole soakaway is a concern	7.12.2 – 7.12.5
Loss of trees, habitat and wildlife with inadequate mitigation	7.8.6 - 7.8.7, 7.9.5, 7.9.7 - 7.9.15
Should be committee decision	The application is being reported to Committee
Increase air pollution	7.11.5 – 7.11.9
Impact on mental and emotional health	7.14.3 – 7.14.4, 7.15.5
Increase in noise	7.14.3 – 7.14.4
Increase in light pollution	7.9.13 - 7.9.15
Impact from construction - should be included in the construction management plan	7.14.3 – 7.14.4
Drainage proposals are not clear	7.12.2 – 7.12.5
Impact on residents amenity from construction	7.14.3 – 7.14.4
Question accuracy of submitted reports	The submitted reports have been reviewed by the relevant technical specialists and have been deemed sufficient to determine the application.
Why the need for a dead end	7.10.7, 7.10.14
Impact on PROWs	7.7.3

4.3. **Councillor Cavanagh** has written objecting to the application on the following grounds:

<b>Comment</b>	<b>Report reference/ clarification</b>
Impact on Cryalls Lane – the road should be fenced off until it's linked with Borden Lane	7.10.15
The dead end into the green space should be fenced off to prevent to vehicles accessing it and to prevent antisocial behaviour and flytipping.	7.10.15
There needs to be a continuation of traffic calming measures and crossing points right up to Borden Lane	7.7.3, 7.10.9

Calling the application to committee on the basis of these objections	The application is being reported to Committee
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4.4. **Borden Parish Council** object to the application on the following grounds:

Comment	Report reference/ clarification
Insufficient speed reduction measures proposed at the Borden Lane end - Speed reduction measures should be applied along the entire length of the new road in the interest of public safety.	7.7.3
The location of crossing for pedestrians and to access the cycle paths should be at more strategic locations to maximise safety and encourage active travel.	7.7.3
Adversely impact a long-standing and established large Badger set and associated foraging grounds. No detailed plans have been submitted to mitigate the impact on this and other protected species within this area.	7.9.5, 7.9.7 - 7.9.15
The short spur remaining on Cryalls Lane will be highly susceptible to antisocial behaviour and flytipping.	7.15.1 – 7.15.3
Partial completion of this road is likely to create additional traffic via Cryalls Lane to the New Zealand estate which is a residential area and not designed for high volume traffic. Its use as such will present a safety risk to residents and walkers.	7.10.15

4.5. **Borden Wildlife Group** object to the application on the following grounds:

Comment	Report reference/ clarification
Insufficient detail	The submitted reports have been reviewed by the relevant technical specialists and have been deemed sufficient to determine the application.
Impact on protected habitats and species due to location of deep bore soakaway and 'parkland', 'greenspace'.	7.9.5, 7.9.7 - 7.9.15
Lack of mitigation	7.9.5, 7.9.7 - 7.9.15
Unacceptable for any tree loss	7.8.6-7.8.7

4.6. 13 letters of representation were received in relation to the second consultation. The following additional concerns/ comments were raised in relation to the following matters:

Comment	Report reference
Plans not clearly labelled	Drawings are titled and include the drawing number and revision.
S278 Agreement should be in place before the application proceeds	7.10.15
Consultation letters should provide more clarity	The consultation letters are standard letters. Public Access provides detail as to which

	plans are amended, additional and superseded.
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4.7. **Councillor Cavanagh** has written to advise her original concerns have been addressed and is not calling the application to Committee.

4.8. **Borden Parish Council** object the application on the following additional grounds:

Comment	Report reference
The lack of clarity on the drainage, particularly about the deep bore soak away.	7.12.2 – 7.12.5
Concerns over any part of the development that remains accessible with an unopened end, as this may encourage traveller encampments and anti-social behaviour. They should be blocked off until they are opened up for construction.	7.15.1 – 7.15.3
There is also concern that the impact on the badger setts has not been addressed.	7.9.5, 7.9.7 - 7.9.15

4.9. **Borden Wildlife Group** object the application on the following additional grounds:

Comment	Report reference
Question accuracy of the submitted ecology report.	The submitted reports have been reviewed by the relevant technical specialists and have been deemed sufficient to determine the application.
Drainage is stated as not being part of the application but some reference is made within the submission.	7.12.2 – 7.12.5

4.10. **Borden Parish Council** and **Borden Wildlife Group** were consulted for a third time.

4.11. **Borden Parish Council** maintain their objection on ecological grounds.

4.12. No further response was received from Borden Wildlife Group

## 5. REPRESENTATIONS

5.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee. There have been two rounds of consultation for most consultees. For those individual consultees that have been consulted more than twice, it is stated under their heading below.

5.2. **KCC Highways:** - In general, the road layout of the development is satisfactory.

Initially it was unclear whether an area that appeared to be set out for turning onto Cryalls Lane was temporary or not. Clarity was sought on this point.

Further details were requested around the phasing of the remainder of the spine road and around the positioning of street lighting.



A question was raised around whether the future housing would have a direct frontage on the road.

Additional information and amended drawings were provided which resolved concerns and answered the questions above. KCC Highways note that the detailed design for phases 3 and 4 is not known but that it is anticipated that there will be direct access for some properties from the link road which will be covered by the separate reserved matters applications for the future housing phases and lay-by parking will be further considered at the time of detailed design. Waiting restrictions will also be considered to ensure the road is clear of parked cars.

- 5.3. **KCC PROW:** - Public Footpaths ZR120 and ZU43 are directly affected by this application. Initially, objection was raised on the basis of discrepancies with the plans and safety concerns for the crossing point on route ZU43 and the use of Cryalls Lanes with regard to the safety of cyclists and pedestrians.

Both routes now show a crossing point with central refuge, dropped kerb and tactile paving. As with the requirements for the Spine Road West, details of full signage and detailed specification of the crossings will be required. This can be conditioned.

Other comments remind the applicant of the process of temporary diversions and closures.

- 5.4. **KCC Ecology:** - Additional information was requested in the form of a plan showing the construction footprint to understand how this may affect badgers on site and a plan showing where the habitat creation/enhancement works will be carried out for dormouse and reptiles.

The construction footprint plan was submitted which showed that the construction activity would not affect badgers so as to require a licence for the works. KCC Ecology advised that no works commence until a badger survey has been carried out to ensure that mitigation agreed is still valid.

A plan submitted detailed that no additional habitat creation will be implemented as part of this phase but additional habitat creation will be implemented across the whole site which will be sufficient to compensate for loss. Additional information has been provided regarding enhancement features for reptiles.

KCC Ecology raise no objection.

- 5.5. **KCC Flood and Water Management:** - Three rounds of consultation have been carried out.

Initial questions raised how the spine road differs the masterplan and how adjusted runoff volumes have been taken into account in the hydraulic calculations for the proposed basins and deep bore soakaways. Detailed information was requested.

Revised drainage plans were submitted as well as a 'Response to Consultee Comments' in which the applicant advised that this level of detail is secured by condition 49 of the hybrid planning permission and as for other earlier phases of the development, will be submitted as part of an application to discharge this condition for this phase. On this basis KCC Flood and Water Management have no further comment.

- 5.6. **KCC Archaeology:** - KCC Archaeology have confirmed that the evaluation trial trenching through the route of the Eastern Link Road (Phase 2D) has been undertaken following the approved written scheme of investigation (24/501115/SUB). The evaluation shows no

archaeological remains within the route of the Eastern Link Road and KCC Archaeology are satisfied that the development as proposed for this reserved matters application can proceed without further archaeological measures.

- 5.7. **KCC Minerals and Waste:** - No land-won minerals or waste management capacity safeguarding objections.
- 5.8. **SBC Heritage:** -No objection.
- 5.9. **SBC Tree Officer:** - The general landscape arrangements and species mix as shown on the soft landscape drawings 1 & 2 by Bond Bryan are considered acceptable subject to them being conditioned.
- The submitted arboricultural method statement dated November 2023 by Aspect Arboriculture appears to provide suitable tree protection in accordance with BS5837:2012 subject to compliance via a suitable condition.
- 5.10. **Mid Kent Environmental Health:** - No further comment or recommendations to make to those contained in our response during the consultation for the outline approval.
- 5.11. **Environment Agency (the EA):** - The EA is not a statutory consultee for reserved matters applications so no longer provide comments on these consultations. Take account of any planning conditions, informatives or advice and comments provided in our response to the outline application.
- 5.12. **National Highways:** -Satisfied that, if permitted, it would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network. Our formal response is No Objection.
- 5.13. **Natural England:** - No comment.
- 5.14. **Historic England (HE):** - HE provides advice when our engagement can add most value. In this case we are not offering advice.
- 5.15. **Network Rail:** - No objections.
- 5.16. **Sport England:** - Sport England has no comments to make.
- 5.17. **Southern Water:** -No objections to the reserved matters application
- 5.18. **Lower Medway Internal Drainage Board:** - The site is outside the drainage district of the Lower Medway Internal Drainage Board. No comment to make at this time.
- 5.19. **Kent Fire & Rescue:** - The swept paths show suitable access for the fire and rescue service.
- 5.20. **Kent Police:** - Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. If approved, site security is required for the construction phase.

**6. DEVELOPMENT PLAN POLICIES**

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

**ST1** Sustainable Development

**ST5** Sittingbourne Area Strategy

**MU3** Land at South-West Sittingbourne

**CP4** Requiring Good Design

**CP7** Conserving and Enhancing the Natural Environment: Providing for Green Infrastructure

**CP8** Conserving and Enhancing the Historic Environment

**DM6** Transport Demand and Impact

**DM7** Vehicle Parking

**DM14** General Development Criteria

**DM19** Sustainable Design and Construction

**DM21** Water, Flooding and Drainage

**DM24** Conserving and Enhancing Valued Landscapes

**DM28** Biodiversity and Geological Conservation

**DM29** Woodlands, Trees and Hedges

**DM31** Agricultural Land

**DM32** Development Involving Listed Buildings

**DM33** Development Affecting a Conservation Area

**DM34** Scheduled Monuments and Archaeological Sites

**7. ASSESSMENT**

7.1. This application is reported to the Committee because Borden Parish Council has objected to the proposal. Considering these comments, the committee is recommended to carefully consider the following points: -

- Impact on nearby badger setts.
- Drainage – particularly the impact of the deep bore soakaway
- Construction areas left unopened risk trespass and anti-social behaviour.

7.2. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Landscape and Visual
- Heritage
- Archaeology

- Design of the proposed development
- Landscaping
- Ecology
- Transport and Highways
- Public Rights of Way
- Air Quality
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions

### **7.3. Principle**

- 7.3.1. 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.
- 7.3.2. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.3.3. The principle of the development is established by the appeal decision dated 29 April 2021 granting hybrid planning permission listed above under reference 17/505711/HYBRID which included a spine road (east-west) through the overall development connecting through from Borden Lane to Chestnut Street. In terms of construction, the Phasing Plan approved on 06/05/2022 under reference 22/500640/SUB showed the road to come forward in three separate phases. This application is for Phase 2D and forms the final reserved matters application related to the spine road.
- 7.3.4. There is no objection to the principle of development.

### **7.4. Landscape and Visual**

- 7.4.1. 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.
- 7.4.2. The proposal 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 the location of the eastern spine road is in accordance with the approved masterplan and parameter plans the impact upon the landscape is considered to be acceptable and therefore the proposal accords with Policy DM24 of the Local Plan and the NPPF.

### **7.5. Heritage**

- 7.5.1. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed

Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

- 7.5.2. A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.5.3. The NPPF 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.
- 7.5.4. The impact of the wider development on listed buildings and conservation areas was considered at the hybrid application stage. The Inspector considered that given the degree of separation from the development and for other reasons such as the scale of the proposed boundary screening, the development would not affect the setting and significance of the listed buildings and conservation areas within the locality.
- 7.5.5. Most relevant to this application, the closest listed buildings are Riddles Cottage and Riddles House which was a Grade II listed building now divided into two houses located on eastern side of Borden Lane and Cryalls Farmhouse, Grade II listed, accessed from Auckland Drive.
- 7.5.6. In relation to the wider development proposals for the whole site, the SoS agreed with the Inspector that there would be a material change to the character of the setting of Riddles Farmhouse (now Riddle Cottage and Riddles House), amounting to less than substantial harm, but at the lowest end of that category. In reading the Inspector's report, this is primarily due to the proposed new roundabout in Borden Lane and its proximity to the listed building.
- 7.5.7. In relation to Cryalls Farmhouse, its architectural significance was recognised, and the setting was taken to be its own substantial plot within its curtilage. The appeal decision concluded that there would be no effect from the proposed development on the setting of Cryalls Farmhouse.
- 7.5.8. In considering the appeal and in line with para. 207 (196 at the time of the appeal) of the NPPF, the 'less than substantial harm' to Riddles Cottage and Riddles House (as well as the Chestnut Street Conservation area) was considered against the public benefits of the wider proposal. At paragraph 52 of his letter, the SoS agrees with the Inspector's conclusion that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of heritage assets.
- 7.5.9. Further to this, the red line boundary of the proposed road subject of this application does not actually adjoin Borden Lane. Instead, the application red line boundary goes as far as necessary to adjoin the arm that will link the new roundabout to be located on Borden Lane to this eastern link of the spine road. The new roundabout was approved as part of the hybrid application and is to be located to the north of the listed Riddles Cottage and Riddles House.
- 7.5.10. Due to the siting of the proposed eastern spine road in relation to the listed Riddles Cottage and Riddles House, it is not considered to result in harm to the setting. The Council's Heritage Manager has considered the proposal and states no objection.

- 7.5.11. There are other listed buildings within the area, however, these are located further away and are not considered to be adversely impacted by the proposal given the separation.
- 7.5.12. In considering the impact of this proposal on designated heritage assets, the Council's obligations under S.66 and S67 of the Planning (Listed Building and Conservation Areas Act) 1990 have been taken into account. The setting of listed buildings identified nearby and the character and appearance of the conservation area would be preserved. The overall impact on heritage assets would be less than substantial at the lower end in NPPF terms. Due weight has been given to the public benefits of this element of the overall development which would improve accessibility to new housing, and this would outweigh the limited harm identified.
- 7.5.13. It is considered that the proposal is in accordance with Policy DM32 and DM33 of the Local Plan and the NPPF.

## **7.6. Archaeology**

- 7.6.1. 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.
- 7.6.2. Policy DM34 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.
- 7.6.3. Condition 66 of the hybrid planning permission required a programme of archaeological field evaluation works to be secured for that phase in accordance with a specification and written timetable. The written specification and timetable was approved for this phase on 14/03/2024 under reference 24/501115/SUB.
- 7.6.4. KCC Archaeology have confirmed that the evaluation trial trenching through the route of the Eastern Link Road (Phase 2D) has been undertaken following the approved written scheme of investigation (24/501115/SUB). The evaluation shows no archaeological remains within the route of the Eastern Link Road and KCC Archaeology are satisfied that the development as proposed for this reserved matters application can proceed without further archaeological measures.
- 7.6.5. In view of the above, it is considered that the proposal is in accordance with Policy DM34 of the Local Plan and the NPPF.

## **7.7. Design of the proposed development**

- 7.7.1. The NPPF attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7.2. The primary consideration for the link road design, layout and appearance is whether it meets KCC Highway requirements. The proposal has been designed in accordance with the approved parameter plans and advice in pre-application meetings with KCC Highways.

- 7.7.3. In line with the other two sections of the spine road, the eastern link road accords with the road classification requirement of a Local Distributor Road (LDR), designed to 30mph, with a carriageway width of 6.75m. Whilst meeting the design for a LDR, the responsibility for the imposition and enforcement of speed restrictions is covered by other legislation. The road design incorporates traffic calming measures at appropriate intervals as well as uncontrolled crossing points on key desire lines to provide access to future houses proposed along the road within Phases 3 and 4 of the overall development and to provide a central refuge for both PROW routes affected by the proposal (ZR118 and ZR119). A condition is proposed for details of signage and specification of the crossings. The connecting section to the west within Phase 1A was given full approval within the hybrid permission with details under condition 37 for roads, footways, footpaths, verges and other matters approved on 06/02/2023 (ref: 22/501227/SUB).
- 7.7.4. Overall, the proposed road design, layout and appearance is considered to be in accordance with Policies CP4 and DM14 of the Local Plan and the NPPF.

## **7.8. Landscaping**

- 7.8.1. 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.
- 7.8.2. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through Policy DM29 of the Local Plan.
- 7.8.3. Concern has been raised through the consultation responses from the public with regard to the loss of trees and mature woodland and the need for green mitigation.
- 7.8.4. Condition 44 of the hybrid planning permission requires details of how trees that are to be retained will be safeguarded throughout the development. As such, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted. As one of the reserved matters seeking approval as part of this application, the proposals also include details of landscaping which is shown to be provided either side of the eastern spine road.
- 7.8.5. The landscaping proposed continues in a similar manner to that approved for the middle section of the road to which this section will connect. The landscaping comprises predominantly amenity grass verges immediately adjacent to the highway with wildflower meadow grassland mix between the footpath and cycleway and the red line boundary. Trees are also shown along the route, predominantly to the southern side.
- 7.8.6. The Council's Tree Officer has considered the AMS and TPP relating to tree protection and soft landscaping proposals. A limited number of trees are required to be removed of which all are category c (low quality). There will be no areas of mature woodland removed as part of this proposal.
- 7.8.7. The AMS shows suitable tree protection to be provided in accordance with BS5837:2012 and therefore no objection to the scheme subject to implementation on site. The wording of condition 44 of the hybrid planning permission already requires implementation on site so a further condition is not necessary.

- 7.8.8. The general landscape arrangements and species mix as shown on the soft landscape drawings 1 and 2 are considered acceptable. As landscaping is a reserved matter, implementation is secured by condition 6 of the hybrid planning permission.
- 7.8.9. Condition 62 of the hybrid permission detailed in the ecology section below requires the submission and approval of a landscape and Ecological Management Plan (LEMP) within 6 months of the commencement. A duplicating landscape management plan is not considered necessary.
- 7.8.10. The proposal is considered acceptable and in accordance with Policy DM14 and DM29 of the Local Plan and the NPPF.

## **7.9. Ecology**

- 7.9.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan.
- 7.9.2. 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.'
- 7.9.3. 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".
- 7.9.4. In terms of the Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. The issue of Biodiversity Net Gain has been dealt with at the appeal as part of the hybrid planning application. Overall BNG across the hybrid development site is 12.9%.
- 7.9.5. Pre-commencement conditions in the hybrid permission relating to various aspects of ecology required the following details which are shown below with status: -
- Condition 58 – Updated baseline surveys for breeding birds, bats, reptiles and dormouse; (approved on 06/04/2022 – ref 22/500133/SUB).
  - Condition 59 – Updated Badger Survey; (approved on 19/07/2024 for Western Link Road (Phases 2B & 2C), Eastern Link Road (Phase 2D) and Phase 2 Residential Phase (Phases 2A & 2C) – ref: 24/501002/SUB).
  - Condition 60 – Revised Skylark Mitigation Strategy; (approved on 11/04/2022 – ref: 21/506820/SUB – Legal Agreement in Place dated 15/09/2022).



- Condition 61 - Construction Ecological Management Plan (CEMP); (approved on 06/05/2022 – ref: 22/500639/SUB); and
  - Condition 62 – Landscape and Ecological Management Plan (LEMP) to be submitted within 6 months of the commencement of development of any phase.
- 7.9.6. As referred above, if the application is approved, further details relating to Conditions 62 require submission of a LEMP for approval within 6 months of commencement of works on Phase 2D.
- 7.9.7. KCC Ecology have reviewed the application. Further information was requested in the form of a plan to show the construction footprint of the development. This was requested to ensure the construction activity did not come within too close proximity of an active badger sett. A request was also made asking for details of proposed habitat creation/enhancement for dormouse and reptiles.
- 7.9.8. A plan (Eastern Link Road Construction Zone – 17-051-146) was submitted showing the construction footprint of the development. Given that the sett is over 20m away from the boundary line shown for construction activity, KCC Ecology are satisfied, the sett would not be adversely impacted.
- 7.9.9. In relation to the habitat creation/enhancement, the applicants directed KCC Ecology to the LEMP. However, KCC Ecology stated that as this is only required to be submitted 6 months from the commencement of development within a phase, it wasn't sufficient to confirm that mitigation will be provided and when.
- 7.9.10. A plan (Dormouse and Reptile Mitigation – Eastern Spine Road – 3825/TN17B Rev A/DM) has therefore been submitted which details that no habitat creation will be implemented as part of this phase, but additional habitat creation will be carried out across the whole site which will be sufficient to compensate for the loss. Additional information has also been provided on the enhancement features to support reptiles.
- 7.9.11. The response with regard to habitat creation and the enhancement features in relation to reptiles is accepted and agreed.
- 7.9.12. KCC Ecology also consider that the submitted landscaping plan confirms that native species planting will be included within this phase which will benefit biodiversity.
- 7.9.13. KCC Ecology have also commented that when the details of the proposed lighting is submitted it must demonstrate that the light spill will be minimised within the adjacent habitat due to the presence of bats, dormouse and badgers.
- 7.9.14. The link road is to be adopted and maintained by KCC. Condition 37 of the hybrid planning permission requires details of lighting to be submitted for approval for each phase. Any application to satisfy the requirements of condition 37 for this phase should take account of the comments above.
- 7.9.15. Taking account of the existing conditional safeguards attached to the hybrid planning permission, the application is considered acceptable and the proposal is in accordance with Policy DM28 of the Local Plan and the NPPF.

## **7.10. Transport and Highways**

- 7.10.1. 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.”*

- 7.10.2. 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”.*

- 7.10.3. 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.

- 7.10.4. The impact of the wider development has already been considered and accepted with the grant of the hybrid planning permission. At paragraph 18 of his letter the Secretary of State (SoS) agrees with the Inspector that subject to the implementation of mitigation measures the scheme would not have an unacceptable impact on highway safety or the free flow of traffic on the local or strategic road network.

- 7.10.5. It was also noted that the creation of a link between Borden Lane and Chestnut Street with access onto the southbound A249 has been identified to provide benefits which include mitigating congestion on the A2 and the provision of an alternative route which, the Key Street/A249 and the Key Street roundabout and the Link would contribute to improving air quality along this key route into and out of Sittingbourne. The requirement for the link road to be provided as part of the wider development was secured by conditions 24 and 26 along with the roundabout at Chestnut Street (condition 25) of the hybrid planning permission.

- 7.10.6. The eastern link road proposal would complete the east-west spine road running from Chestnut Street to the Borden Lane roundabout (approved as part of the hybrid planning permission).

- 7.10.7. The proposal for this eastern section of the spine road also includes a connection to the south with Cryalls Lane within the vicinity of the Rugby Club site. This connection is to facilitate the approved closure of Cryalls Lane further east. This means for those entering Cryalls Lane from Wises Lane and travelling towards the east, they will be directed north through this new link to join the new eastern section of the spine road. Should vehicles not use this new link and continue along Cryalls Lane, they will eventually meet a dead end in the road and not be able to join the new eastern section at this point. As such, to ensure there is adequate turning availability, a turning area is proposed at the point where the new eastern link road crosses Cryalls Lane.

- 7.10.8. The road design does however provide for exit and entry for vehicles to the eastern link road with Cryalls Lane to the northern side of the link road.

- 7.10.9. KCC Highways have been consulted and have provided responses on 2 occasions. Their initial response advised that the principle and scale of development has been approved and the western link road planning approval includes the provision of a footway on both sides of

the proposed road with the southern side being increased to 3m for a shared footway/cycleway facility to connect Phase 1A, which is located centrally within the overall development proposals. This is then to be carried through into the eastern link road and connect and onto the 3-arm roundabout to be constructed in Borden Lane to the east.

- 7.10.10. Flanked by soft landscaping, the submitted drawings show the provision of a footway to the northern side and a shared 3m wide footway/cycleway to the southern side.
- 7.10.11. KCC Highways advise that the road layout of the development is satisfactory, as the geometry accords with the national and local design standards in terms of road widths, footway provision, swept path analysis and speed restraint features.
- 7.10.12. KCC Highways sought clarity as to whether the turning area at Cryalls Lane was a temporary or permanent arrangement, further information was also required in relation to the phasing of the 3-arm roundabout to be constructed in Borden Lane and details requested regarding street lighting positions. A question was also raised as to whether there would be any houses fronting the eastern link road.
- 7.10.13. In response the applicant submitted revised and further information to address the points raised. The applicant confirmed that the proposed turning area is to be retained permanently.
- 7.10.14. The hybrid planning permission already approves Cryalls Lane becoming a no-through route. The turning area has been designed to allow for vehicles that inadvertently progress beyond the no-through route signage. The turning area has been revised to move it slightly towards the south-west to allow for greater visibility over the space to alleviate concerns related to the potential for antisocial behaviour.
- 7.10.15. To address the question around the phasing of the delivery of the road in relation to the delivery of the roundabout in Borden Lane, the applicant has submitted a Response to Consultee Comments. The applicant confirmed the eastern link road will not be open to traffic until it is connected with Borden Lane via the roundabout. In accordance with Condition 26 of the hybrid planning permission, the full link road will be open to traffic before occupation of the 421<sup>st</sup> dwelling.
- 7.10.16. Confirmation was provided by the applicant that the street lighting proposed will be submitted for approval as per the requirements of condition 37 of the hybrid planning permission.
- 7.10.17. Finally, the applicant also confirmed that at this stage the detailed designs for Phases 3 and 4 which are adjacent to the eastern link road (north and south of it) is not known but that it is anticipated that there will be some direct access for some properties in a similar manner to approved Phases 1 and 2. It is also stated that there will be secondary roads leading from the eastern link road to provide access to the wider development. These details will be identified and provided in the future reserved matters applications for the relevant phases and will include any lay-by parking proposed, similar to the approved western link road. The applicant has advised that any waiting restrictions will also be considered at the detailed stage for these phases and will form part of the technical approval process with KCC Highways at that time.
- 7.10.18. Following their review of this information KCC Highways responded stating that the information provided satisfactorily resolved concerns previously raised.

- 7.10.19. Public responses to consultation express concern with regard speeding and use of the road as a rat-run. As stated above the design of the road is designed to meet standards with regard to speed. Traffic calming measures were discussed between the applicant and KCC Highways and element of horizontal deflection are to be included at the pedestrian crossing points through the use of wide traffic islands.
- 7.10.20. The purpose of the spine road is to effectively re-distribute traffic between the A249 and Sittingbourne town centre and therefore is likely to provide an alternative route for some motorists.
- 7.10.21. Given the above, the proposal is considered to be in accordance with Policy DM6 of the Local Plan and the NPPF.

### **7.11. Air Quality**

- 7.11.1. 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.
- 7.11.2. 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.
- 7.11.3. 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 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.....”.*
- 7.11.4. The Local Plan at Policy DM6 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.
- 7.11.5. While the site is not located within a designated Air Quality Management Area (AQMA) pollution from traffic generation and domestic boiler emissions was considered in the Public Inquiry related to the hybrid application 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.
- 7.11.6. 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 DM6 (2d) that “...proposals do not worsen air quality to an unacceptable degree.....” is acknowledged.

- 7.11.7. Details for the scheme of air quality mitigation under Condition 70 of the hybrid permission was approved on 06/02/2023 under reference 22/502221/SUB which applies across the whole site and all phases.
- 7.11.8. The Environmental Protection Team have considered the reserved matters application but have no further comment or recommendations to make to those contained in their response to the hybrid application. They are satisfied that potential issues within the department’s remit are appropriately conditioned.
- 7.11.9. Given the appeal decision on this issue and subsequent approval of details it is considered that air quality is adequately addressed and the proposal is in accordance with Policy DM6 of the Local Plan and the NPPF.

## **7.12. Flood Risk, Drainage and Surface Water**

- 7.12.1. 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 DM21 of the Local Plan.
- 7.12.2. Each phase within the overall development site is subject to a detailed drainage strategy to be submitted and approved before works commence (Condition 49) and ongoing maintenance prior to use/occupation (Condition 50). The applicant has acknowledged that this will be submitted should the reserved matters be approved.
- 7.12.3. KCC Flood and Water Management have reviewed the application and raised questions around the calculations for the proposed basins and deep bore soakaways and asked for the submission of a surface water drainage strategy or an addendum.
- 7.12.4. Following receipt of updated drainage plans and a ‘Response to Consultee Comments’, KCC Flood and Water Management acknowledge that detailed drainage is to be submitted and dealt with under condition 49 and therefore have no further comments to make in relation to the reserved matters.
- 7.12.5. Given there has been no objection to the principle of the drainage approach as outlined at this stage and that details are required to be submitted under condition 49, it is considered the proposal is in accordance with Policy DM21 of the Local Plan and the NPPF.

## **7.13. Contamination**

- 7.13.1. 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.
- 7.13.2. Condition 53 of the hybrid planning permission required the submission of a contaminated land assessment for the whole site. Details have been submitted and approved under condition 53 on 23/05/2022 (ref: 22/500132/SUB). The Environmental Protection Team have

not raised any contamination risk issue and the same comments above under air quality would apply. The proposal is therefore considered compliant with Policy MU3 (10) and the NPPF.

#### **7.14. Living Conditions**

##### *Existing residents*

- 7.14.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14.2. Public responses to the consultation reference impact on living conditions from noise.
- 7.14.3. The impact of the wider development of the hybrid proposal has already been considered at the appeal in terms of the impact on residents with regard to issues such as the traffic generation, noise and air quality.
- 7.14.4. The impact on surrounding residents as a result of the construction activity will be controlled through condition 21 of the hybrid planning permission which restricts the hours of construction activity.
- 7.14.5. This phase of development runs through existing fields and crosses Cryalls Lane. As such there are no immediate existing residential neighbours affected by the proposal. Given the nature of this proposal as a road, there would be no adverse impact on residential amenity from the physical structure of the road itself and the proposal is considered to be in accordance with Policy DM14 of the Local Plan and the NPPF.

#### **7.15. Other Matters**

- 7.15.1. Concern has been raised by the public that the tuning head area would increase existing anti-social behaviour at the Borden Nature Reserve. The existing problem is not a planning issue and needs to be referred to the appropriate authority.
- 7.15.2. The provision of the spine road was considered at the hybrid application stage and approved with conditions to ensure its delivery. The wider proposal will eventually deliver residential properties within the vicinity of this area, which in turn will result in increased natural surveillance or at the very least the perception of natural surveillance. This tends to deter anti-social and criminal activity.
- 7.15.3. In their response Kent Police advised that, if approved, site security is required for the construction phase. Condition 20 of the hybrid planning permission requires the submission of a construction management plan which lists details of the erection and maintenance of security hoarding during construction of a phase.
- 7.15.4. Condition 20 also requires a number of other details including the route of the construction vehicles.
- 7.15.5. In terms of impact on residents' mental health, it is difficult to fully address and resolve as individuals are likely to be affected in different ways by different aspects of the proposal and react in different ways. At appeal, the hybrid application has been considered acceptable and planning

permission granted with conditions attached and a s106 securing mitigation where possible to reduce impacts on surrounding residents and the environment.

### **7.16. Conclusion**

- 7.16.1. The proposal is for the final section of the spine road that would serve the wider development site, which has the benefit of planning permission. The application is not considered to have an adverse impact on the wider highway network, ecology, heritage assets and the living conditions of surrounding residents having been considered at the Hybrid application stage. The design of the road follows the design of the two other sections of the spine road and is considered safe and acceptable by the Local Highway Authority. The proposal is in accordance with the policies set out above and the NPPF and is therefore recommended for approval.

### **7.17. Recommendation**

- 7.17.1. Grant subject to conditions.

### **7.18. Conditions**

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

Received 28 November 2023

17-051-119 Rev A – Strategic Contours Sheet 1 of 3

17-051-125 Rev A – Drainage Catchments Sheet 1 of 3

17-051-131 Rev A – Highway Adoption Areas Sheet 1 of 3

17-051-134 Rev A – Eastern Link Longitudinal Section Sheet 1 of 2

17-051-135 Rev A – Eastern Link Longitudinal Section Sheet 2 of 2

17-051-141 – Eastern Link Road Proposed Block Layout Sheet 1 of 3

Received 6 December 2023

17-051-122 Rev D – Drainage Layout Sheet 1 of 3

Received 23 February 2024

17-051-116 Rev E – General Arrangement Sheet 1 of 3

17-051-117 Rev E – General Arrangement Sheet 2 of 3

17-051-118 Rev D – General Arrangement Sheet 3 of 3

17-051-120 Rev C – Strategic Contours Sheet 2 of 3

17-051-121 Rev C – Strategic Contours Sheet 3 of 3

17-051-123 Rev E – Drainage Layout Sheet 2 of 3

17-051-124 Rev E – Drainage Layout Sheet 3 of 3  
17-051-126 Rev C – Drainage Catchments Sheet 2 of 3  
17-051-127 Rev C – Drainage Catchments Sheet 3 of 3  
17-051-133 Rev C – Highway Adoption Areas Sheet 2 of 3  
17-051-133 Rev C – Highway Adoption Areas Sheet 3 of 3  
17-051-140 Rev C – Eastern Link Road Site Location Plan  
17-051-142 Rev B – Eastern Link Road Proposed Block Layout (Sheet 2 of 3)  
17-051-143 Rev B – Eastern Link Road Proposed Block Layout (Sheet 3 of 3)  
17-051-146 – Eastern Link Road Construction Zone  
WIS- BBA-ZZ-ZZ-DR-L-8005 Rev P02 – Soft Landscape 1 of 2  
WIS- BBA-ZZ-ZZ-DR-L-8006 Rev P02 – Soft Landscape 2 of 2

Received 08 April 2024

3825/TN17B Rev A/DM – Dormouse and Reptile Mitigation

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

2. Prior to the first use of the road except for vehicles in relation to construction activity, details of signage and specification of the public footpath intersections for ZR120 and ZU43 as shown on the approved General Arrangement Plans (17-051-116 Rev E, 17-051-117 Rev E and 17-051-118 Rev D) shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be provided in accordance with the approved details before the road is open for use by the general public and the crossing come into use and shall thereafter be maintained.

Reason: To ensure the footpath connections across the development provide safety and avoid conflict between pedestrians and cycle use to comply with Policies MU3 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.



