

2.2 REFERENCE NO - 23/505678/FULL		
PROPOSAL Erection of 32no. dwellings with associated parking, access and landscaping.		
SITE LOCATION Land west of Warden Road, Eastchurch, Kent ME12 4EJ		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement 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 and precise Heads of Terms as may be necessary and appropriate.		
APPLICATION TYPE Major		
REASON FOR REFERRAL TO COMMITTEE Objections from Minster-on-Sea Parish Council and Eastchurch Parish Council		
Case Officer Simon Greenwood		
WARD Sheppey East	PARISH COUNCIL Eastchurch	APPLICANT Chartway Partnerships Group and Moat Homes AGENT DHA Planning
DATE REGISTERED 4 January 2024		TARGET DATE 31 January 2025
BACKGROUND PAPERS AND INFORMATION:		
Documents referenced in report are as follows: -		
Air Quality Assessment ref. 12709A (November 2024)		
Arboricultural Impact Assessment ref. 6465-LLB-RP-AB-0001-S4-P04_AIA		
Tree Protection Plan ref. 6465-LLB-XX-XX-DR-Ab-0002-S4-P05		
Flood Risk Assessment 5905-001-01		
Drainage Strategy MISC78-3200 rev. P04		
Preliminary Ecological Appraisal ref: 1263_R01_PEA		
Reptile Survey Report ref. 1263_R04		
Biodiversity Net Gain Assessment: Feasibility Stage ref: 1263_R03_Rev A		
Landscape Visual Appraisal Report ref. 6465-LLB-RP-L-0001		
Landscape Design Statement (27.11.2023)		
Transport Statement SM/30772		
All drawings submitted.		
All representations received.		
The full suite of documents submitted pursuant to the above application are available via the link below: -		

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5ND6QTYJO000>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The approx. 1.14ha site is an undeveloped parcel of land which is currently used for the grazing of horses. It is located on the northern edge of the village of Eastchurch and is bounded by agricultural land to the north, west and south and by residential development on the opposite side of Warden Road to the east. The site is approximately 87m north of the built-up area of Eastchurch.
- 1.2. The site is currently accessed from Warden Road by a gated rural track with a drop-kerb. There is an existing pedestrian path on the western side of Warden Road providing access from the site to the village of Eastchurch.
- 1.3. There is a band of trees fronting Warden Road to the north-east of the site which are the subject of a Tree Preservation Order (TPO).
- 1.4. Public Right of Way (PRoW) ZS24 runs along the western boundary of the site.
- 1.5. The site falls entirely within Flood Zone 1 and is therefore identified as being at the lowest level risk of flooding.
- 1.6. The Grade I listed 'Church of All Saints' and the Grade II listed '2 Warden Road' and 'Rectory' are located approx. 200m to the south of the application site. The Grade II* listed Memorial to the Home of Aviation is located on the southern side of the High Street at the junction with Church Road (approx. 250m south of the site). The Grade II listed Connetts Farmhouse is located approx. 800m to the north of the application site.
- 1.7. The site is not subject to a landscape designation nor is it located in an Important Local Countryside Gap.

2. PLANNING HISTORY

- 2.1. There is no relevant planning history relating to the application site.

Nearby Sites

- 2.2. Outline planning permission was refused in May 2023 for the development of up to 63 dwellings and all necessary supporting infrastructure on Land North of Lower Road, Eastchurch (ref. 21/505041/OUT). The key ground of refusal related to encroachment of development and presence of built form and urbanisation in the open countryside which would be detrimental to the character and appearance of the locality and to the setting of Eastchurch Village. The decision is currently the subject of an appeal.

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the erection of 32 affordable rented residential dwellings. The unit mix will comprise six 1-bedroom flats, three 2- bedroom flats, eight 2-bedroom houses and fifteen 3-bedroom houses. There will be 6 pairs of two storey semi-detached houses and 11 two storey detached houses whilst the flats will be provided in a 2.5 storey block.
- 3.2. The materials palette incorporates red, buff, and cream / light multi brick, red and grey roof tiles and three colours of weatherboard cladding (mountain sage, Monterey taupe, and cobble stone). There will be a mixture of hipped and gable ended roof structures.
- 3.3. There will be a new access point from Warden Road into the site with a landscaped spine road running east-west for vehicles and pedestrians. An area of communal open space including a play area will be provided in the north-east corner of the site and a habitat area will be provided in the north-west corner. Additional landscaping including hedgerows and tree planting is proposed to the site boundaries to provide a landscape buffer to the development.
- 3.4. A pedestrian access to PRoW ZS24 will be provided to the northeast corner of the site and this will provide a traffic free pedestrian route to the village.

Amendments to scheme

- 3.5. The proposals were revised during the application process to address officer concerns relating to matters including the layout, design and the amount of development. The number of dwellings was reduced from 36 to 32 and a more organic layout and additional landscaping is now proposed.

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. 102 letters of objection were received in relation to the first consultation. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
Loss of green space/countryside; harm to rural character; loss of arable land; site is not brownfield land.	Paras. 1.1; 7.12-7.17; 7.35-7.46 & 7.52-7.60.
Harm to character and appearance; poor design; harm to rural setting of village; overdevelopment; urbanisation of area; erosion of countryside gap between settlements; harm to landscape, including from long views.	Paras. 1.7; 7.35-7.46 & 7.52-7.60.
Site is not allocated for residential development; proposal is contrary to Local Plan policy including settlement strategy (Policy ST 3); 4 unit scheme on site closer to Eastchurch was	Paras. 7.5-7.11

refused in February 2022 due to conflict with Policy ST3.	
Development should take place on brownfield sites; more suitable development sites on the Island; existing housing stock could be refurbished; affordable housing should be more sustainably located.	Paras. 7.5-7.11; 7.138-7.152.
Sheppey has already accommodated a considerable amount of residential development.	Paras. 7.5-7.11.
Increased pressure on inadequate infrastructure and services including roads, health facilities and services, schools, public transport, shops and amenities, vets, church services sewage/ drainage, electricity, water, telecommunications; development will add to pressure which will arise from already consented housing not yet built; limited amenities and services in Eastchurch; emergency services are overstretched.	Paras. 5.8-5.20; 7.91-7.92; 7.102-7.119.
Lack of youth facilities; increased anti-social behaviour from youth population; increased crime; lack of police presence on the Island.	Paras.5.17; 7.108-7.112
Increased traffic and congestion; any accidents cause severe congestion; traffic issues impact emergency vehicles; traffic is particularly bad at peak hours and during holiday season; traffic surveys should have been undertaken at peak times; Transport Statement is flawed; mobile home transportation creates congestion; occupants will be car dependent; inadequate pedestrian and cycling infrastructure to serve development; rail and bus services are inadequate; impacts from construction traffic; increased demand for on-street car parking; parking stress in the village, particularly during holiday season.	Paras. 7.86-7.95.
Detrimental impact on highway and pedestrian safety; Warden Road is dangerous; no footpath shown on Warden Road to front of site; inadequate footways; no safe pedestrian and cycle access to/from site; Plough Road is unsuitable for increased traffic; impact on horse riders; lack of street lighting and poor footpaths and road surfaces; roads unsuitable for construction vehicles; cars park on footways at busy times; site access will be dangerous; hazardous highway conditions during school pick-up / drop-off; visibility splays for access have not been provided.	Paras. 7.86-7.92.

Affordable housing would accommodate need from outside the area	Paras. 7.30-7.31.
Lack of employment opportunities in the area; only employment available is at local prisons which is demanding and stressful work; access to employment on the mainland is car dependent.	Paras. 7.8; 7.86-7.92.
Loss of wildlife and wildlife habitat; impact on owls, voles, hedgehog, foxes, rabbits, birds and bats; ecological survey findings are questionable; impact on Ramsar site and Special Protection Areas; harm to ecology and biodiversity; loss of hedgerows; inadequate measures to improve biodiversity.	Paras. 7.66-7.85.
Increased noise and disturbance; increased air and light pollution.	Paras. 7.96-7.101; 7.121; 7.131-7.133.
Loss of privacy/overlooking at nearby dwellings; loss of outlook and views from nearby dwellings.	Paras. 7.120-7.126.
Increased flood risk; increased surface water run-off from hard surfaces; attenuation pond will be a danger to children.	Paras. 7.113-7.119.
Risk of subsidence due to ground conditions.	Para. 7.137.
Harm to setting of nearby heritage assets including Grade I Listed Church of All Saints and Grade II Listed Connetts Farmhouse, 2 Warden Road, Rectory and Shurland Hall; impact on heritage assets from construction noise, vibration, traffic and emissions.	Paras. 7.47-7.51.
Inadequate community consultation by applicant.	Para. 7.136.

4.3. 11 letters of objection were received in relation to the second consultation. Comments were made reiterating previous concerns, and the following additional comment was received: -

Comment	Report reference/ clarification
Reduction in amount of development under revised proposals does not address concerns	Paras. 3.5; 7.35-7.46;7.52-7.60.

4.4. Eastchurch Parish Council have objected to the application on the following grounds:-

Comment	Report reference/ clarification
Increased pressure on inadequate infrastructure and services including transport, healthcare, education and emergency services; holiday parks already place huge pressures on local infrastructure; pressures on infrastructure amplified because Sheppey is an island; lack of	Paras. 5.8-5.20; 7.91-7.92; 7.102-7.119.

education infrastructure on the Island undermines educational performance.	
3 storey flatted block is out of character in this location.	Paras. 7.52-7.60.
Accidents cause severe congestion and affect emergency vehicles; numerous accidents on local roads in recent years; increased traffic; detrimental impact on highway and pedestrian safety.	Paras. 7.86-7.92.
Harm to rural character and countryside setting of Eastchurch; increased urbanisation; erosion of countryside gap between Eastchurch and Kingsborough.	Paras. 7.35-7.46 & 7.52-7.60.
Lack of employment on the Island.	Para. 7.8.
Inadequate and unsafe road infrastructure to serve development; inadequate bus service; Plough Road is inadequate as alternative route to Eastchurch; inadequate pedestrian and cycling infrastructure; mobile home transportation creates congestion.	Paras. 7.86-7.95.
Site is not brownfield land; loss of agricultural land contrary to policy DM 31.	Paras. 7.12-7.17.
Planning statement incorrectly states that there is a doctor's surgery in the community; limited range of services available in Eastchurch.	Para. 7.8.
Inadequate pre-application community consultation.	Para. 7.136.
Excessive amount of development for village.	Paras. 7.52-7.60.
Sewage system regularly exceeds capacity and cannot accommodate more development.	Para. 5.15.
Proposal is contrary to Local Plan policy, including Swale Settlement Strategy, and the NPPF.	Paras. 7.5-7.11.
Proposal fails to mitigate impacts on Special Protection Area and Ramsar sites.	Paras. 7.74-7.85.

4.5. Minster-on-Sea Parish Council have objected to the application on the following grounds: -

Comment	Report reference/ clarification
Increased traffic.	Paras. 7.86-7.95.
Increased pressure on local services.	Paras. 5.8-5.20; 7.91-7.92; 7.102-7.119.
Congestion on Warden Road at school drop-off and pick-up times.	Paras. 7.86-7.92.
Diversion of traffic onto unsuitable, single lane Plough Road.	Paras. 7.86-7.92.

It is proposed to use Plough Road as part of a new cycle way and development will create additional danger.	Paras. 7.86-7.92.
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REPRESENTATIONS

- 5.1. **SBC Heritage:** - no objections raised. The proposed development would not result in harm to the setting of nearby heritage assets.
- 5.2. **SBC Urban Design:** - The layout and amount of development is appropriate to its context. The proposed landscaping would visually integrate the scheme into its countryside location. The two-storey height of the proposed houses would respect the local context whilst the 2.5 storey height of the apartment block would be acceptable in visual terms and reflective of buildings locally. The buildings will feature a unified range of architectural details and materials in muted colours that respond to local character. There is separation to the village on the western side of Warden Road which would change its character; however, overall the proposed development would satisfactorily integrate into its setting and is considered acceptable in design terms.
- 5.3. **Mid Kent Environmental Health:** - No objections raised in terms of air quality, noise, contaminated land and lighting subject to conditions securing the following:
- A scheme of contamination remediation in the event that contamination is identified during construction works (No. 8)
 - A Code of Construction Practice to mitigate environmental and highways impacts during the construction stage (No. 9)
 - Details of any external lighting (No. 21)
 - Noise restrictions in view of the low frequency noise which may arise from air source heat pumps and inverters for solar panel systems (No. 27)
 - Air quality mitigation measures (No. 30).
- 5.4. **SBC Housing:** - Proposed affordable housing would meet an identified need on the Island, in part arising from the 0% planning policy requirement, and accordingly is welcomed.
- 5.5. **KCC Developer Contributions:-** No objections raised. Financial contributions are sought towards infrastructure to mitigate the impacts of the proposed development.
- 5.6. **KCC Ecology:** - Sufficient information has been provided and no objections are raised subject to conditions to secure appropriate ecological mitigation measures and biodiversity enhancements (Nos. 12 and 13).
- 5.7. **SBC Green Spaces:-** No objections raised in respect of open space, sport and recreation subject to securing a financial contributions towards off-site sports provision and an appropriate standard of on-site play provision (condition 31).

- 5.8. **KCC Flood and Water Management:** - No objections raised subject to conditions to secure details of surface water drainage scheme to accommodate all rainfall durations and intensities up to climate change adjusted critical 100-year storm, including details of maintenance (Nos. 22 and 23).
- 5.9. **KCC Highways:** - No objections raised subject to conditions to secure: car parking spaces, EV charging points, cycle parking facilities and refuse storage facilities (Nos. 14-17); an application to progress a Traffic Regulation Order for a speed restriction on Warden Road (No. 18); provision of the link to PRow ZS24 (No. 19); and a Construction Management Plan (No. 13).
- 5.10. **KCC PROW:** - No objections raised.
- 5.11. **Lower Medway Internal Drainage Board:** - no objections raised subject to conditions securing a detailed surface water drainage scheme, including details of maintenance (Nos. 22 and 23). A condition securing a Construction Surface Water Management Plan (CSWMP) is also recommended (No. 10).
- 5.12. **Environment Agency:** - No comments.
- 5.13. **Historic England:** - No comments.
- 5.14. **Natural England:** - No objections raised subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.
- 5.15. **Southern Water:** - No objections raised.
- 5.16. **SBC Trees:** - No objections raised subject to a condition securing tree protection measures at construction stage (No. 3).
- 5.17. **Kent Police:** - No objections raised. The scheme should incorporate crime prevention design measures (No. 6).
- 5.18. **Integrated Care Board:** - Financial contribution of £25,848 is sought towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.
- 5.19. **SBC Climate Change:** - No objections raised subject to conditions securing measures to achieve carbon reduction and restrictions on water consumption (Nos. 24 and 25).
- 5.20. **UK Power Networks:** - No objections raised.

DEVELOPMENT PLAN POLICIES

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

- **ST 1** Delivering sustainable development
- **ST 2** Development targets for jobs and homes 2014- 2031
- **ST 3** The Swale settlement strategy
- **ST 4** Meeting the Local Plan development targets

- **ST 6** The Isle of Sheppey area strategy
- **CP 1** Building a strong, competitive economy
- **CP 2** Promoting sustainable transport
- **CP 3** Delivering a wide choice of high-quality homes
- **CP 4** Requiring good design
- **CP 5** Health and wellbeing
- **CP 6** Community facilities and services to meet local needs
- **CP 7** Conserving and enhancing the natural environment
- **CP 8** Conserving and enhancing the historic environment
- **DM 6** Managing transport demand and impact
- **DM 7** Vehicle parking
- **DM 8** Affordable Housing
- **DM 9** Rural Exceptions Housing
- **DM 14** General development criteria
- **DM 17** Open space, sport and recreation provision
- **DM 19** Sustainable design and construction
- **DM 21** Water, flooding and drainage
- **DM 24** Conserving and enhancing valued landscapes
- **DM 28** Biodiversity and geological conservation
- **DM 29** Woodland, trees and hedges
- **DM 31** Agricultural land
- **DM 32** Development involving listed buildings.

6.2. Supplementary Planning Guidance/Documents –

- Landscape Character and Biodiversity Appraisal (2011);
- Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020);
- KCC Developer Contributions Guide;
- Developer contributions SPD (2009);
- Swale Landscape Character and Biodiversity Appraisal SPD (2011);
- Parking Standards SPD (2020);
- Planting on New Developments: A Guide for Developers;
- Air Quality Technical Guidance (2021);
- Guidance for complying with the climate change planning condition to reduce operational carbon of new dwellings in Swale by 50% (2020);
- Kent Design – A Guide to Sustainable Development (2000);
- National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2021);
- Renewable Energy Guide (2014);
- Housing Land Supply Position Statement (2024/2025);
- Open Spaces and Play Area Strategy (2018-2022);
- A Heritage Strategy for Swale (2020);
- National Planning Practice Guidance.

ASSESSMENT

7.1. This application is reported to the Committee because Eastchurch and Minster-on-Sea Parish Councils have raised objections.

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

- The Principle of Development
- Loss of Agricultural Land
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Design of the proposed development
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space, Sport and Recreation
- Flood Risk, Drainage and Surface Water
- Living Conditions
- Sustainability / Energy
- Other Matters.

Principle

7.3. 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.

7.4. 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.

Housing

7.5. Local Plan Policy ST1 (4) states that to deliver sustainable development in Swale, all development proposals will, as appropriate, accord with the Local Plan settlement strategy. Local Plan Policy ST3 (5) relates to the settlement strategy and states that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

7.6. The supporting text to Policy ST3 of the Local Plan states in part that the primary objective of the strategy outside the built-up boundaries will be to protect it from isolated and/or large scales of development (as is proposed). The site lies outside of the settlement boundary for Eastchurch in the open countryside. Accordingly, the application is in conflict with Policies ST1 and ST3 of the Local Plan.

7.7. Local Plan Policy DM9 is concerned with rural exceptions housing and states (inter alia):

Planning permission for affordable housing to meet local needs in rural areas will be granted provided:

- *The site accords with Policy ST 3 and/or is in a location where access to day-to-day services can be conveniently and easily achieved;*
- *The site and proposed development would not have a significant adverse impact upon the character of the settlement, the surrounding countryside and the amenity of the existing community.*
- *A need for the scheme is clearly justified by the applicant, to the satisfaction of the Council, by providing the following to accompany a planning application:*
- *an up-to-date parish or village housing needs assessment undertaken or carried out by a recognised and appropriate body.*
- *a thorough site options appraisal; and*
- *a prepared statement of community involvement that has sought to include the significant input of the Parish Council.*
- *Proposals will be subject to a legal agreement that provides for the permanent control and management of any affordable housing to ensure its long-term retention for local need.*

7.8. The site is in close proximity to an existing built-up area boundary within a reasonable walking distance of the services and facilities offered in Eastchurch village. These include a convenience store, a primary school, a public house, a church, and a village hall. There are employment opportunities in the area, with the prisons to the south, holiday parks to the northeast and the services and facilities within the village itself. Many essential day-to-day services can be met in the area, although the full range requires travel into Minster, Sheerness and beyond. There is no train station nearby but a regular bus service to more accessible locations, with connections available beyond. As such, the site could be considered to be in a reasonably sustainable location for residential development. However, the site is located within the open countryside and, as noted above, conflicts with Policy ST3 of the Local Plan. There is a degree of compliance with Policy DM9 part 1 on the basis of accessibility to day-to-day services. As set out later in this report, the proposal is not considered to result in a significant adverse impact upon the character of the settlement, the surrounding countryside and the amenity of the existing community. The Council's Housing Register indicates a significant affordable housing need on the Isle of Sheppey; however, the applicant has not submitted information to address Policy DM9(3) and therefore the proposal development does not fully accord with Policy DM9. However, on the basis that the need for the affordable

housing is accepted the absence of the specified information required by Policy DM9(3) is not considered harmful.

- 7.9. As set out later in this report the affordable housing would not be secured through a legal agreement as required by Policy DM9(5). However, the housing will be delivered by Moat Housing Association who are a long established registered provider in the borough. The application is accompanied by a letter of comfort from Moat setting out a commitment to addressing local affordable housing need. In view of the circumstances and Moat's stated intentions it is considered that although not in compliance with Policy DM 9(5) no harm would arise as a result of the proposal.
- 7.10. The Council can demonstrate a 4.21-year supply of housing. In accordance with footnote 8 to paragraph 11 of the NPPF, the most important policies for determining this application cannot be considered up-to-date, and the 'Tilted Balance' in favour of sustainable development should apply to decision making. Only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, should planning permission be refused.
- 7.11. As noted above, residential development conflicts with the Local Plan settlement strategy. However, given the Council's lack of a 5-year housing land supply (5YHLS) and the application of the 'Tilted Balance', the relevant policies are not afforded full weight. The erection of 32 affordable rented dwellings would contribute towards addressing the borough's lack of a 5YHLS whilst addressing a significant need for affordable housing on the Isle of Sheppey. The application of the 'Tilted Balance' affords significant weight to the delivery of housing. The subsequent sections of this report make an assessment of the impacts of the development and consideration of whether these would significantly and demonstrably outweigh the benefits. This is considered in the Planning Balance section of this report.

Loss of Agricultural Land

- 7.12. Policy DM31 of the Local Plan indicates that development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. The policy indicates that development on Best and Most Versatile (BMV) agricultural land (identified as Grades 1, 2, and 3a) will not be permitted unless:
- The site is allocated for development by the Local Plan; or
 - There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
 - The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.
- 7.13. This requirement is reiterated under Local Plan Policy ST6 (The Isle of Sheppey area strategy).

- 7.14. NPPF paragraph 175 is concerned with allocating land for development which has the least environmental or amenity value where consistent with other policies in the Framework. Footnote 58 to this paragraph advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer land should be preferred to those of a higher quality.
- 7.15. The site is identified as comprising Category 3a land on DEFRA's 'Magic Map' which details records held of agricultural land classifications. The site is currently used for the grazing of horses and the applicant has submitted photographic evidence demonstrating that the site has not been used for agricultural purposes for a significant period of time. The applicant has submitted comments from an agricultural land consultant who notes that the agricultural land classification indicated on the 'Magic Map' is based on a detailed soil survey of the site and a wider area of around 9ha that was carried out by the former Ministry of Agriculture, Fisheries and Food. It is acknowledged that the grading of the land is not likely to have changed since the survey was undertaken. The consultant also notes that the site is a small area of land that is constrained by existing mature vegetation, some of which is subject to a tree preservation order. It cannot therefore be incorporated into the neighbouring field, and accordingly is not likely to realise its potential as good quality agricultural land.
- 7.16. The agricultural consultant's comments are noted. However, it is considered that the site does have potential to be put to agricultural use and the erection of 32 houses would result in the permanent loss of BMV land. A similar issue was addressed in a recent appeal decision (Orchard View, Eastling Road - ref. APP/V2255/W/24/3341877) where the inspector noted that the appeal site was in use as a paddock but concluded that development of the site would result in the loss of BMV land.
- 7.17. Swale has a large amount of BMV land, which amounts to approximately 16,000 hectares. The site taken as a whole would translate to approximately 0.007% of this total. While the loss of BMV agricultural land counts against the scheme, it would represent only a tiny percentage of overall BMV land in Swale. The proposal would have a low to moderate adverse effect on agricultural land and conflict with Policies DM31 and ST6 of the Local Plan. The harm identified is attributed limited weight in the overall planning balance.

Size and Type of Housing

- 7.18. Paragraph 9 of the NPPF states that sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high-quality homes. The NPPF recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 7.19. The proposed development is for the scheme to deliver 100% (32 units) affordable housing. This represents additionality over the Local Plan Policy DM8

requirement for 0% affordable housing in respect of developments of 11 or more dwellings on the Isle of Sheppey.

7.20. Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs and the Strategic Housing Market Assessment. The proposed housing mix comprises six 1-bedroom flats, three 2-bedroom flats, eight 2-bedroom houses and fifteen 3-bedroom houses.

7.21. The supporting text to Local Plan Policy CP3 sets out requirements for market and affordable housing by size. The table below shows the requirements set out in the supporting text to Local Plan Policy CP3 and how the proposal compares with this.

Tenure – Local Plan	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
Affordable Required	8%	20%	36%	36%	0%	100%
Affordable Proposed	18.75%	32.375%	46.875%	0%	0%	100%

7.22. The provision of 1, 2 and 3 bedroom units will exceed these identified requirements and there will be a shortfall of provision of 4 bedroom units. However, there is a significant need for all sizes of affordable housing units on the Isle of Sheppey due to an historic lack of delivery. The current housing register figures for Sheppey indicate 898 households expressing a preference for accommodation on the Isle of Sheppey and this is broken down by units size as follows:

- 1 bed - 372 applicants
- 2 bed - 205 applicants
- 3 bed - 178 applicants
- 4 bed - 95 applicants
- 5 bed – 38 applicants
- 6 bed – 10 applicants.

7.23. It should be noted that not all applicants for housing express a locational preference and all applicants can bid on available homes regardless of their area of preference.

7.24. The proposed unit mix would therefore meet an identified need and can be considered acceptable in the context of Local Plan requirements.

7.25. Further to the above, the Council had a Housing Market Assessment (HMA) prepared in 2020, i.e., more recently than the Local Plan, and after the introduction of the standard method for calculating the objectively assessed need. As such officers have considered the proposed mix against that set out in the HMA.

Tenure – HMA	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
Affordable Required	27%	23%	30%	20%	0%	100%
Affordable Proposed	18.75%	32.375%	46.875%	0%	0%	100%

7.26. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes, albeit the requirement for 1-bedroom affordable dwellings is notably higher. It should be noted that this reflects the Borough wide need.

7.27. There would be a shortfall against the requirements for 1 and 4 bedroom units whilst the provision of 2 and 3 bedroom units would exceed the identified need. However, again, in view of the historic lack of delivery in Sheppey and the need as identified on the housing register the unit mix is considered acceptable in the context of the HMA identified need.

7.28. The Council's Affordable Housing Manager raises no objection in relation to the affordable housing unit mix.

7.29. Account has been taken of the context in which the site is set, policy requirements, the HMA, the housing register, the local housing market areas and overall analysis. The proposal satisfactorily complies with Local Plan Policy CP3.

Affordable Housing

7.30. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Local Plan Policy DM8 sets out that nil affordable housing will be required from developments on the Isle of Sheppey as the delivery of affordable housing without grant funding has not been demonstrated to be viable. As a result, affordable housing need on the Isle of Sheppey is high and the delivery of new affordable homes, in particular affordable and social rent tenure housing, falls far below local housing need.

7.31. As set out above, there are a considerable number of applicants on the Council's Housing Register for Sheppey for all unit sizes. The number of households living in temporary accommodation in Swale was the highest across all Kent authorities last year. The proposed delivery of 32 units of affordable housing would obviously exceed the nil policy requirement for the Isle of Sheppey. There are no tenure mix requirements in view of the nil policy requirement. The provision of 32 affordable rented homes is very much welcomed in affordable housing terms.

Accessible and Adaptable Homes

7.32. In line with Policies DM8 and CP3 of the Local Plan the affordable homes should be designed for use by disabled persons and made available for a variety of groups including families, vulnerable and older persons. As such, there should be a number of accessible and wheelchair adaptable homes provided. It is proposed that 12 dwellings (37.5%) will achieve Building Regulations Part M4(2)

standards (accessible and adaptable dwellings) whilst none will achieve Part M4(3) standards (wheelchair user dwelling). It is noted that Local Plan policy does not set out a specific requirement for homes to Part M4(2) and M4(3) standards and in view of this the Council's Affordable Housing Manager has commented that the proposed development would provide a good proportion of homes built to a Lifetime Homes standards and is considered acceptable. It is recommended that the accessible and adaptable homes are secured by planning condition (No. 26).

Affordable Housing Delivery

7.33. The applicant advises that Moat Homes intend to deliver the proposed development using Recycled Capital Grant Funding (RCGF) which has been specifically ringfenced by Moat for the development with monies already secured from Homes England. Moat advise that the use of RCGF is restricted by the terms of the Homes England Capital Funding Guide which presently imposes restrictions whereby the funding cannot be applied where the affordable housing is secured through planning conditions or a Section 106 agreement. Accordingly, there would be no mechanism to secure the affordable housing. Moat Housing have provided a letter of comfort offering assurances around the delivery of the affordable housing. Homes England are a public body and Moat are a reputable not-for-profit organisation. It is reasonable to consider that the affordable housing will be delivered; however, the absence of a mechanism to secure the affordable housing marginally reduces the weight to be afforded to the benefit of the affordable housing within the planning balance which is considered at the end of this report.

7.34. The proposals are considered consistent with Policies DM8 and CP3 of the Local Plan and the NPPF and are therefore acceptable in terms of affordable housing.

Landscape and Visual

7.35. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*' whilst paragraph 174 criterion b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

7.36. The site is not within a designated landscape. Local Plan Policy ST6 seeks to ensure that development is appropriate to landscape character and quality and Local Plan Policy DM24 states that the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced, and, where appropriate, managed. Part B of Policy DM24 allows for development within non-designated landscapes subject to the minimisation and mitigation of adverse landscape impacts.

7.37. The National Character Area Profile (prepared by Natural England in 2013) locates the site within the landscape character area of the 'Greater Thames Estuary' which can be characterised as a predominantly remote and exposed landscape of arable farmland and tidal salt marshes, patterned by a network of drainage ditches and dykes.

- 7.38. The Landscape Assessment of Kent (2004) locates the site within the North Sheppey Local Character Area (LCA) and describes this LCA as having been subject to change whereby it now has an exposed and open character and is in poor condition. It is considered to have a moderate sensitivity to change.
- 7.39. Swale's Landscape Character and Biodiversity Appraisal (2011) puts the application site within Landscape Character Area 16 (LCA16) (Minster and Warden Farmlands). The overall condition of LCA16 is identified as 'poor' and it is considered to have a 'moderate' sensitivity to change.
- 7.40. The application is accompanied a Landscape Visual Impact Assessment (LVIA) which establishes a study area. The LVIA establishes a landscape character baseline for the assessment and identifies where the development has the potential to cause impacts to landscape resources which contribute to the landscape character of the study area.
- 7.41. The LVIA considers the impact of the proposed development from 7 viewpoints which are located on PRoW ZS24 (2 viewpoints), Dicksons Field Recreation Area, Greenways Kennels, Waterlane Cottages and Warden Road (2 viewpoints).
- 7.42. The proposed development involves dense, mixed species native hedgerow and tree planting on all boundaries to strengthen the existing planting and to assist with screening the proposed development and thereby mitigate landscape impacts.
- 7.43. In terms of impact on the landscape the LVIA identifies that in relation to Land Use / Land Cover there will be a localised and short term 'adverse and temporary impact of moderate significance', and this is anticipated to reduce to 'neutral' over time. The development would result in a 'neutral impact of no significance' in consideration of all other landscape resources.
- 7.44. In terms of landscape character, the LVIA identifies that the development results in a 'neutral impact of no significance' on the North Sheppey Landscape Character Area and on LCA16, and accordingly there will be no impact on landscape character at either a local or regional level. The LVIA identifies that, whilst the scheme will completely alter the physical appearance and primary land use of the site itself, the effect will be limited to the site and will not extend to the surrounding landscape. The LVIA concludes that the development will be appropriate and in keeping with the site's immediate contextual setting.
- 7.45. In terms of visual amenity, the scheme is judged to result in a long term 'beneficial visual impact of major significance' on the section of PRoW ZS24 immediately adjacent to the site as a result of the proposed landscaping. The development is assessed as having a 'neutral' impact on the remainder of the PRoW. A short term 'adverse visual impact of major significance' is identified on Warden Road immediately adjacent to the site and this would reduce to 'normal' over time. The impact on the remainder of Warden Road is identified as 'neutral'. The LVIA identifies that the development would result in a 'neutral visual impact of no significance' on Dicksons Field Recreation Area, Greenways Kennels and

Waterlane Cottages. The LVIA concludes that, overall, the scheme would have a 'neutral impact' on visual amenity.

- 7.46. It is noted that the LVIA was prepared in relation to the initial application submission and the scheme was subsequently revised to incorporate more substantial boundary planting. This enhancement of the landscape buffer around the site is considered to further mitigate the landscape and visual impacts of the development. It is considered that the LVIA satisfactorily demonstrates that, following the establishment of the boundary planting, the proposed development will not result in any significant adverse impacts in landscape and visual terms, and the proposed development is in accordance with Local Plan Policies ST6 and DM24 and the NPPF.

Heritage

- 7.47. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.48. 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.
- 7.49. Local Plan Policies CP8 and DM32 seek to sustain and enhance the significance of designated heritage assets and ensure proposals affecting listed buildings preserve the buildings setting and any features of special architectural or historic interest.
- 7.50. The application is accompanied by a Heritage Impact Assessment which considers the impact of the proposals on the Grade I listed Church of All Saints, the Grade II* listed Memorial to the Home of Aviation, the Grade II* listed Shurland Castle and the Grade II listed properties: The Rectory, 2 Warden Road and Connetts Farmhouse. The Assessment concludes that the proposed development will not result in harm to the setting of these heritage assets.
- 7.51. SBC Heritage agree that the proposed development would not result in harm to the setting of nearby heritage assets. Accordingly, it is considered that the proposal is acceptable in heritage terms and in accordance with Local Plan Policies CP8 and DM32 and the NPPF.

Character and appearance

- 7.52. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.53. Policy CP 4 of the Local Plan requires development proposals to be of high quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals. Similar requirements are set out within policy DM 14 of the Local Plan.
- 7.54. The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Kent Design Guide seeks to provide a starting point for good design while retaining scope for creative, individual approaches to different buildings and different areas and provides criteria necessary for assessing planning applications.
- 7.55. The proposed development would be set back from Warden Road and incorporates an organic layout with curved road alignments and informal building positions that draws on the character of this edge of settlement location. The proposed soft landscaping including tree planting is considered to extend the countryside character into the application site reinforcing local distinctiveness whilst softening the development, and providing a landscaped transition between the edge of settlement and countryside. The proposed density of development is considered to satisfactorily respond to existing development on the opposite side of Warden Road.
- 7.56. The proposed detached and semi-detached dwellings would be two storeys in height, which respects the immediate and wider built context and provides a sense of cohesiveness across the site. The hipped roof design of the 2.5 storey apartment block reduces its visual impact and ensures that is reasonably reflective of the scale of buildings locally.
- 7.57. In terms of appearance, the buildings seek to respond to the varied local context through a unified range of architectural details and materials in muted colours.
- 7.58. The access to the PRow from the west of the site is welcomed in connectivity terms and provides a route into the village. As a result of the access plot 10 appears somewhat disconnected from the remainder of the development; however, the layout provides natural surveillance over the PRow connection and in this regard is considered an acceptable response.
- 7.59. Although there is a degree of separation to the village on the western side of Warden Road and the development of the site would therefore alter its character in this regard, given the integration of the landscaping into the overall design, it is considered that the proposed development responds well to its context. It is recommended that details of hard and soft landscaping, boundary treatments, lighting strategy and materials be secured by condition (Nos. 4, 5, 7 and 21). The landscaping condition would provide an opportunity to enhance the scheme through additional landscaping to the parking court of the apartment block.

Overall, the layout and design of the proposed development is considered acceptable.

7.60. It is considered that the scheme represents a good quality of design which complements its surroundings, and the proposal therefore accords with Local Plan Policies CP4 and DM14 and the NPPF.

Trees

7.61. The NPPF and Policy DM29 of the Local Plan recognises the contribution of trees to the intrinsic character and beauty of the countryside.

7.62. The application is accompanied by an Arboricultural Impact Assessment which identifies that several category C (low quality) trees will require removal to facilitate the proposed development.

7.63. The Arboricultural Impact Assessment has been reviewed by the Council's Tree Officer who observes that the small number of low quality trees to be removed are considered to add little to the character of the site and would be easily replaced by new planting. Accordingly, no objections are raised subject to securing tree protection measures in relation to the remaining trees that are to be retained through a condition (No. 3).

7.64. In terms of new landscaping, the Council's Tree Officer notes that a broad mix of native trees of varying sizes are proposed which is considered to represent an acceptable approach.

7.65. The proposed development is considered acceptable in terms of trees and in accordance with Local Plan Policy DM29 and the NPPF.

Ecology

7.66. 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, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

7.67. 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 furthering the general biodiversity objective of conserving and enhancing biodiversity in England. Furthermore, the NPPF 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 NPPF 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.'

- 7.68. Local Plan Policy ST6 (The Isle of Sheppey area strategy) seeks net gains to biodiversity and natural and semi-natural greenspace at development sites and mitigation of impacts on internationally designated sites for biodiversity.
- 7.69. The application is accompanied by a Preliminary Ecological Appraisal (PEA) which identifies that 2 native hedgerows along the eastern and western boundaries of the site are a habitat of principle importance. Further survey work is recommended to determine any presence of reptiles within the site and to inform suitable mitigation. Mitigation is recommended for foraging and commuting bats, hedgehog and nesting birds. The Appraisal also recommends biodiversity enhancement works.
- 7.70. The application is accompanied by a Reptile Survey Report which identifies that there are unlikely to be any reptiles present on the site.
- 7.71. The KCC Ecology Officer raises no objections to the proposal subject to a condition securing the recommended survey and mitigations works (No. 12).

Biodiversity

- 7.72. The application was submitted before Biodiversity Net Gain became a mandatory requirement. However, the application is accompanied by a Biodiversity Net Gain Feasibility Report which identifies potential for the development to achieve at least a 10% net gain. The KCC Ecology Officer recommends that a scheme of biodiversity enhancement is secured by condition (No. 13).
- 7.73. It is considered that the proposal accords with Local Plan Policy DM 28 and the NPPF.

Habitat Regulations

- 7.74. The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA, and Wetland of International Importance under the Ramsar Convention (Ramsar Site) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 7.75. SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 7.76. The proposal would result in 32 residential dwellings on the site which would be anticipated to result in impacts to the SPA and Ramsar sites from increased recreational disturbance. Due to the scale of the development there is insufficient scope to provide on-site mitigation and in such circumstances off site mitigation is normally required by means of developer contributions at the rate of £328.27 per dwelling. The proposal would therefore give rise to a requirement for a

contribution of £10,504.64 which would be secured through a Section 106 agreement. In accordance with the Conservation of Habitats and Species Regulations 2017, for completeness an Appropriate Assessment has been completed and is set out below.

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

- 7.77. This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.
- 7.78. The proposal therefore has potential to affect the abovementioned site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 7.79. In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.
- 7.80. The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 7.81. However, in view of the scale of the development it is considered that it, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to appropriate mitigation measures.
- 7.82. Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation should be in place before dwellings are occupied.
- 7.83. Due to the scale and location of the development it is not considered that there is scope to provide on-site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

7.84. Based on the correspondence with Natural England, it is concluded that off-site mitigation is required.

7.85. In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures can be implemented within the SPA from collection of the standard SAMMS tariff and this will ensure that these impacts will not be significant or long-term. It is considered that any adverse effect on the integrity of the SPA can be satisfactorily addressed through mitigation measures.

Transport and Highways

7.86. 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.”

7.87. 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.”

7.88. Local Plan Policy DM6 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.

7.89. A vehicular access to the development will be provided to the centre of the site frontage onto Warden Road.

7.90. The application is accompanied by a Transport Statement which considers accessibility to public transport and local amenities. The Transport Statement identifies that the proposed development will generate approx. 102 vehicle movements during a 12-hour period (7am-7pm). The Assessment concludes that the proposals would not result in an unacceptable impact on the highways network.

7.91. KCC Highways raise no objections to the proposals subject to conditions to secure the following:

- Provision and permanent retention of car parking spaces, EV charging points, cycle parking facilities and refuse storage facilities (Nos. 14-17);
- An application to progress a Traffic Regulation Order for a speed restriction on Warden Road (No. 18);
- Provision of the link to PRow ZS24 (No. 19);
- A Construction Management Plan (No. 13).

7.92. It has been demonstrated that the proposal would not result in unacceptable impacts on highway safety or severe residual cumulative impacts on the road

network which the NPPF states would warrant refusal of planning permission. The proposal is in accordance with Policy DM6 of the Local Plan and the NPPF.

Public Rights of Way

7.93. The KCC PRow and Access Officer raises no objections to the proposed development and advises that the linking of the site to the PRow to the west is welcomed and allows another route into the village other than Warden Road.

Car and Cycle Parking

7.94. The Parking Standards SPD includes recommended residential car parking standards. A total of 61 car parking spaces are proposed. Allocated parking with electric vehicle charging points (EVCPs) would be provided at a ratio of 1 space per dwelling for 1 and 2 bedroom flats (9 spaces) and 2 spaces per dwelling for 2 and 3 bedroom houses (46 spaces). 6 visitor bays will be provided across the site. The site is considered to occupy a rural location where the Parking Standards SPD requires 3 or more car parking spaces for 3 bedroom houses. Accordingly, there will be a shortfall of 15 car parking spaces across the development in relation to the 3 bedroom houses. Occupants of these houses would benefit from parking for two cars which in many cases may be adequate. However, in view of the shortfall against the SPD standards there will be a low degree of harm which is attributed limited weight in the planning balance. The car parking and electric vehicle charging points will be secured through conditions 16 and 20.

7.95. Cycle storage will be provided at a ratio of 1 cycle space per bedroom or 1 space per flat within garden sheds for the houses and within a dedicated store for the flats and will be secured by condition 16. Accordingly, the proposal can comply with the requirement of Local Plan Policy DM7 to provide cycle parking facilities of an appropriate design and in a convenient, safe, secure and sheltered location.

Air Quality

7.96. 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.

7.97. 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.

7.98. 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.....”.

- 7.99. The application is accompanied by an Air Quality Assessment (AQA) which considers potential air quality impacts associated with the construction and operation of the development. The AQA identifies that there is potential for air quality impacts as a result of construction stage dust emissions which can be satisfactorily mitigated through good practice measures. Operational stage air quality impacts from traffic exhaust emissions were predicted to be negligible at all sensitive receptor locations. Accordingly, the AQA identifies that air quality is not considered a constraint to the proposed development.
- 7.100. The AQA provides an Emissions Mitigation Assessment which calculates the value of the impact of harmful emissions arising from the proposed development and provides an air quality damage cost of £4,108.00. The damage cost will be secured through the Section 106 agreement and any air quality mitigation measures implemented by the applicant further to condition No.30.
- 7.101. The AQA has been reviewed by the Council’s Environmental Health Officer who raises no objections to the proposed development in terms of air quality subject to a condition securing a Code of Construction Practice setting out construction stage dust control measures (No. 9). Accordingly, the proposed development is considered to satisfy Local Plan Policy DM6 which requires that development proposals 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.

Open Space, Sport and Recreation

- 7.102. Local Plan Policy CP7 requires developments to promote the expansion of Swale’s natural assets and green infrastructure. Policy DM17 of the Local Plan sets out that new housing development should make provision for appropriate outdoor recreation and play space proportionate to the likely number of people who will live there. Policy DM17 sets out various open space typologies and the amounts of space that would be required for residential development. The table below compares the proposal to the open space requirements.

Typology	Policy DM17 requirement (ha per 1,000 person)	Scheme requirement (ha)	Proposed (ha)	Difference (ha)
Parks and gardens	1.11	0.08	0.07	-0.01
Natural and semi natural greenspace	4.36	0.33	0.32	-0.01
Formal outdoor sport	1.09	0.08	0	-0.08
Amenity Greenspace	0.45	0.03	0.04	0.01
Provision for children and young people	0.24	0.02	0	-0.02
Formal Play facilities			On site	
Allotments	0.2	0.02	0	-0.02
Total		0.56	0.43	0.13

- 7.103. The proposed development will provide an area of public open space featuring a children's play area and several areas of landscaped green space including ecology areas to provide biodiversity enhancements.
- 7.104. As the table above shows, there is a minor shortfall in the parks and gardens and natural and semi-natural greenspace typologies whilst there will be a minor surplus of amenity greenspace.
- 7.105. There will be a shortfall in the provision of allotments and there are no allotments nearby. There is no opportunity for a meaningful provision of allotments within the proposed development and therefore the shortfall in allotments can be accepted.
- 7.106. The Council's Open Spaces and Play Area Strategy sets out a requirement for financial contributions towards off-site formal sports facilities and off-site play/fitness facilities. In view of the on-site provision of children's play space the Council's Green Spaces Manager has advised that a financial contribution towards off-site provision would not be sought. A financial contribution of £22,821.44 (£713.17 per dwelling) will be secured towards enhancing the capacity of formal sports provision in the village in accordance with the Council's Open Spaces and Play Area Strategy.
- 7.107. The overall provision of open space within the scheme is generally close to meeting the requirements set out in the Council's Open Spaces and Play Area Strategy. The Council's Green Spaces Manager confirms that no objections are raised in terms of open space, sports and recreation provision. Therefore, having regard to the overall on-site provision and the financial contribution towards formal sports provision, the proposal is acceptable in terms of open

space and is therefore in accordance with Policy DM17 of the Local Plan and the NPPF.

Community Infrastructure

7.108. 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 CP5 and CP6 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.

7.109. It is critical that necessary social and other infrastructure to support the future population occupying the site is delivered in a time frame that ensures infrastructure is in place when it is required.

7.110. 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.

7.111. The following planning obligations would be necessary to mitigate the impact of the development and make it acceptable in planning terms. The obligations have been identified and assessed by Officers to comply with the Regulations (as amended).

Requirement	Value	Towards
Ecology		
SAMMS payment	£10,504.64 (£328.27 per dwelling)	North Kent Strategic Access Management and Monitoring Strategy.
Education		
Secondary Education Contribution*	£132,695.77 (£5,587.19 per applicable house and £1,396.80 per applicable flat)**	Towards a new Secondary school in northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey 7.112. selective planning groups
Special Educational Needs and Disabilities (SEND) Contribution	£13,295.97 (£559.83 per applicable house and £139.96 per applicable flat)**	Special Education Needs (SEND) contribution to be applied towards additional places and/or additional SEND facilities in Swale district.
Community Learning & Skills	£1,094.72 (£34.21 per dwelling)	7.113. Community Learning Project details contribution to be applied towards/ or additional

		equipment and resources for adult education centres serving the development, including outreach provision.
Community		
Integrated Children's Services	£1,925.30 (£74.05 per applicable dwelling**)	Contributions towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.
Library Service	£2,004.16 (£62.63 per dwelling)	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Minster, Queenborough & Sheerness Libraries.
Adult Social Care	£5,788.16 (£180.88 per dwelling)	Financial contribution towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within Swale.
Waste		
Refuse	£6,212.16 (£194.13 per dwelling)	Financial contribution towards additional capacity at the Sheerness Household Waste Recycling Centre and Sittingbourne Waste Transfer Station.
Refuse and Recycling Bins	<u>Each house</u> 180ltr green bin for refuse £51.20 240ltr blue bin for recycling £51.20 23ltr food bin £11.90 5ltr food caddy £6 <u>Flatted block</u> 2 x 1100ltr refuse - £994 2 x 1100ltr recycling - £994 2 x 140ltr food - £90.40 <u>Each flat</u> 5ltr food caddy 9 x £6 = £54	Bin provision.
Health care		

NHS (Integrated Care Board)	£25,848.00	Financial contribution towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.
Open Space		
Formal Sports Contribution	£22,821.44 (£713.17 per dwelling)	Financial contribution to enhance the capacity of formal sports provision in the village.
Air Quality Mitigation		
Air Quality Damage Cost payment	£4,108	Financial contribution towards measures to reduce the air quality.
Monitoring		
Monitoring fee	Amount to be agreed with SBC Legal Services and KCC Infrastructure based upon the obligations being secured.	Contribution to cover the cost of monitoring the delivery of various planning obligations.

*Kent County Council in its capacity as education provider, has a duty to ensure that adequate school places are provided to accommodate current and future projections for primary school and secondary needs. Currently there is no Primary school requirement.

**Applicable excludes 1 bed units of less than 56sqm (GIA).

7.112. Subject to securing the obligations, the application would accord with Policies CP5, CP6, DM8, DM17 and DM28 of the Local Plan and the NPPF.

Flood Risk, Drainage and Surface Water

7.113. 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.

7.114. The application site lies within Flood Zone 1, meaning it is an area with a low probability of river or sea flooding. Planning Practice Guidance confirms that the aim is to steer new development to Flood Zone 1. In respect of the Flood Risk Vulnerability Classification residential dwellings are classified as 'more vulnerable'. Within Flood Zone 1, Table 3 of the Planning Practice Guidance confirms that 'more vulnerable' uses in Flood Zone 1 are appropriate and an exception test is not required. As the application site is greater than 1 ha a Flood Risk Assessment (FRA) is required.

- 7.115. The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy which identifies that the site has a very low risk of surface water flooding and a low risk of all other sources of flooding. The Strategy proposes a SuDS drainage system and calculations indicate that the surface water runoff generated by the proposed development can be attenuated for all rainfall events up to the 1:100 year event including an allowance for climate change.
- 7.116. KCC Flood and Water Management have reviewed the proposals and raise no objections subject to conditions to secure details of surface water drainage scheme to accommodate all rainfall durations and intensities up to climate change adjusted critical 100 year storm, including details of maintenance (Nos. 22 and 23).
- 7.117. Southern Water raise no objections in relation to surface water drainage subject to an informative relating to maintenance and/or adoption by Southern Water of SUDS infrastructure.
- 7.118. Lower Medway Internal Drainage Board raise no objections subject to conditions securing a detailed surface water drainage scheme, including details of maintenance (Nos 22 and 23). A condition securing a Construction Surface Water Management Plan (CSWMP) is also recommended (No. 10).
- 7.119. In view of the above, the proposals will include sustainable drainage systems to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, enhance biodiversity and amenity and increase the potential for grey water recycling. It is therefore considered that the proposals are in accordance with Policy DM21 of the Local Plan and the NPPF.

Living Conditions

Existing residents

- 7.120. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM 14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.
- 7.121. The nearest neighbouring dwellings are located on the opposite side of Warden Road. Landscaping is proposed along the Warden Road boundary. The layout of the proposed development is considered to demonstrate that there would be no undue harm to the residential amenities of the occupants of nearby dwellings by reason of overlooking, loss of daylight and/or sunlight, visual impact and noise and disturbance.

Future residents

- 7.122. 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.
- 7.123. All units are designed to meet Nationally Described Space Standards (NDSS) and all units benefit from a dual aspect.
- 7.124. The layout of the proposed development would ensure sufficient separation between dwellings to ensure adequate outlook and privacy for occupants of the dwellings.
- 7.125. The proposed houses will benefit from adequate private external amenity space in the form of rear gardens whilst the proposed ground floor flats will benefit from external private amenity space. The flatted block will also benefit from a generous communal amenity space which will include a children's play area. It is recommended that relevant permitted development rights are removed to ensure that adequate private amenity space to the proposed houses is maintained (Condition 28).
- 7.126. The proposed development is considered 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 policy DM14 of the Local Plan and the NPPF.

Sustainability / Energy

- 7.127. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. Further details of sustainable design and construction measures to minimise environmental impacts can be secured by condition and may include measures such as electric vehicle charging points (provision of one per dwelling); solar panels; passive energy measures; and/or low NOx boilers as examples.
- 7.128. The application is accompanied by an Energy Statement which considers the feasibility of low and zero carbon technologies and proposes the use of high performance building fabric, air source heat pumps, photovoltaic panels and sanitary wear to reduce water consumption.
- 7.129. The Council's Climate Change Officer raises no objections to the proposed development. Conditions are recommended to secure sustainable design and energy efficiency measures and a reduction in water consumption (Nos. 24 and 25).
- 7.130. In view of the above the proposed development is considered acceptable in relation to sustainability and energy and is in accordance with Local Plan Policy DM19 and the NPPF.

Noise

- 7.131. The NPPF states that planning decisions should ensure that noise from new development is mitigated and potential adverse impacts are reduced to a minimum.
- 7.132. The Council's Environmental Health Officer advises that the proposed air source heat pumps and inverters for solar panel systems are sources of low frequency noise which can penetrate noise insulation which other frequencies cannot. Accordingly, a condition is recommended to ensure that low frequency noise does not result in harmful impacts (No. 27).
- 7.133. In view of the above the proposed development is considered acceptable in terms of noise and in accordance with the provisions of the NPPF.

Other matters

- 7.134. The application will need to accord with the latest Secure by Design requirements which can be secured through condition 6.
- 7.135. A condition is recommended to require the cessation of construction works in the event that potential land contamination is identified on the site, and the submission and approval of a scheme of remediation (No. 8).
- 7.136. An objection has been received raising concerns regarding the adequacy of the developer's pre-application community consultation. It is noted that, whilst community consultation is promoted as good practice, there is no statutory obligation for developers to undertake pre-application community consultation.
- 7.137. An objection has been received raising concerns that the proposed development will be at risk of subsidence due to ground conditions. Building regulations will require that the foundation design is appropriate to the ground conditions on the site.

The Planning Balance

- 7.138. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 7.139. The Council can demonstrate a 4.21 year's supply of housing. In accordance with footnote 8 to paragraph 11 of the NPPF, the most important policies for determining this application cannot be considered up-to-date, and the 'Tilted Balance' in favour of sustainable development should apply to decision making. Only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, should planning permission be refused. It is therefore necessary to consider the benefits and disbenefits of the proposal in order to determine whether there are adverse impacts which would justify a refusal of planning permission.

- 7.140. It is considered that the proposal will result in disbenefits arising from conflict with Local Plan Policies ST1 and ST3 which set out the Swale Settlement Strategy. Recent appeal decisions have been considered in assessing the weight to be attached to conflict with the Swale Settlement Strategy where the 'tilted balance' is applied. The conflict was afforded moderate weight in relation to Land off Swanstree Avenue (LPA ref. 21/505498/OUT; PINS ref. APP/V2255/W/22/3311224) and limited weight in relation to Land at Ufton Court Farm (LPA ref. 22/505646/OUT; PINS ref. APP/V2255/W/23/3333811). Accordingly, it is considered appropriate to afford **moderate weight** to the conflict with the Swale Settlement Strategy.
- 7.141. The proposed development would result in a disbenefit arising from the loss of BMV agricultural land contrary to Local Plan Policies DM31 and ST6 and **limited weight** is afforded to this disbenefit.
- 7.142. The proposed development would result in a disbenefit arising from a shortfall of 15 car parking spaces for the 3 bedroom houses contrary to the Swale Parking Standards SPD and **limited weight** is afforded to this disbenefit.

Benefits

Housing and affordable housing

- 7.143. The provision of 32 affordable rented dwellings would contribute towards addressing the lack of 5YHLS within the borough. The site is in the countryside and as such conflicts with the spatial strategy set out in the Local Plan. However, given the Council's lack of a 5 YHLS, the spatial strategy is not afforded full weight. Given the Framework's general imperative to boost the supply of housing, this is an important factor weighing in favour of the application.
- 7.144. There has been a historic lack of affordable housing delivery on the Isle of Sheppey due to the nil Local Plan policy requirement. The delivery of 32 units of affordable housing would contribute to meeting a significant identified need and would represent a significant planning benefit. The weight afforded to the affordable housing is reduced marginally as a mechanism to secure the housing cannot be applied due to the terms of Homes England grant funding. However, overall, it is considered that the delivery of housing and affordable housing is a benefit which should be afforded **substantial weight**.

Employment and economic activity

- 7.145. New residents who will use local services and facilities contribute to potential future growth opportunities which meet the economic and social objectives of sustainable development at paragraph 8 of the NPPF.
- 7.146. The development would bring forward jobs and spending during the construction phase. Paragraph 81 of the NPPF advises that significant weight should be placed on the benefit a scheme offers in supporting economic growth and productivity; however, this weight is moderated on the basis that these benefits will be limited to the construction phase. Overall, **moderate**

weight is afforded to the employment and economic activity benefits of the development.

Ecology and Biodiversity

7.147. The proposed development would provide suitable landscaping and planting in and around the site which would provide ecological and biodiversity enhancements. This is a normal planning requirement and is therefore attributed **limited weight** in the planning balance.

Design and Appearance

7.148. The proposed development is considered to complement the surrounding context and represents a good standard of design which will deliver a distinctive development. **Limited weight** is afforded to this benefit.

Sustainability and carbon reduction

7.149. The proposed development would comply with Local Plan policy and Building Regulations requirements in respect of sustainability and energy consumption which would be a normal planning and Building Regulation requirement. Accordingly, **limited weight** can be afforded to this benefit.

Economic benefits

7.150. The Town and Country Planning Act 1990 sets out general considerations in the determination of applications states the following:

“In dealing with an application the authority shall have regard to

- (a) the provisions of the development plan, as far as material to the application,*
- (b) any local finance considerations, as far as material to the application, and*
- (c) any other material considerations.”*

7.151. The application proposes 32 new dwellings with associated Council tax being received from occupiers and able to be used by the Borough to carry out its statutory functions. The funding is needed to mitigate the impacts of the development and **limited weight** is afforded to this benefit in the planning balance.

Planning balance – conclusion

7.152. The above assessment identifies a series of benefits which weigh in favour of the proposal. In particular, the delivery of 32 units of housing which will also be affordable rented. In the context of a significant need of housing in general but particularly affordable housing on the Isle of Sheppey, this is considered to be a benefit which attracts substantial weight overall. The benefits identified above are considered to substantially outweigh the identified moderate degree of harm which will arise from conflict with Local Plan Policies ST1 and ST3 and the limited degree of harm arising from the conflict with Policies DM31

and ST6 and the Swale Parking Standards SPD. Accordingly, the proposal is considered acceptable, and it is recommended that planning permission be granted subject to conditions and the prior completion of a Section 106 agreement.

RECOMMEDATION – GRANT PLANNING PERMISSION subject to conditions and the prior completion of a Section 106 agreement

CONDITIONS

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Indicative Landscape Masterplan 6465-LLB-XX-XX-DR-L-0001-S2-P07

External Levels Strategy MISC78-3040 rev. P04

Earthworks Strategy MISC78-3041 rev. P05

Earthworks Strategy - Topsoil Strip MISC78-3042 rev. P05

Drainage Strategy MISC78-3200 rev. P04

Impermeable Areas Plan MISC78-3201 rev. P03

Exceedance Flow MISC78-3202 rev. P03

Drainage Construction Details Sheet 1 of 2 MISC78-3220 rev. P02

Drainage Construction Details Sheet 2 of 2 MISC78-3221 rev. P02

Site Road Construction Details MISC78-3220 rev. P01

Proposed Contextual Masterplan 01-083_100 rev. P3

Proposed Illustrative Contextual Masterplan 01-083_105 rev. P3

Proposed Masterplan 01-083_110 rev. P3

Proposed Illustrative Masterplan 01-083_115 rev. P3

Proposed Parking Plan 01-083_120 rev. P3

Proposed Surfacing Plan 01-083_130 rev. P3

Proposed Boundary Treatment Plan 01-083_140 rev. P3

Proposed Unit Mix Plan 01-083_150 rev. P3

Proposed Block Massing Plan 01-083_160 rev. P3

Proposed Refuse & Cycling Plan 01-083_170 rev. P3

Proposed EV Charging Plan 01-083_180 rev. P3

Flat Block – Ground Floor Plan 01-083_200 rev. P2

Flat Block – First Floor Plan 01-083_201 rev. P2

Flat Block – Second Floor Plan 01-083_202 rev. P2

Flat Block – Roof Plan 01-083_203 rev. P2

Flat Block – Primary Elevation - East 01-083_204 rev. P2

Flat Block – Rear Elevation - West 01-083_205 rev. P2

Flat Block – Side Elevation – North 01-083_206 rev. P2
Flat Block – Side Elevation – South 01-083_207 rev. P2
Betony – Semi Detached – Ground Floor Plan 01-083_210 rev. P2
Betony – Semi Detached – First Floor Plan 01-083_212 rev. P2
Betony – Semi Detached – Roof Plan 01-083_214 rev. P2
Betony – Semi Detached – Type A Elevations 01-083_216 rev. P3
Betony – Semi Detached – Type B Elevations 01-083_226 rev. P3
Goldcrest – Semi Detached – Ground Floor Plan 01-083_230 rev. P2
Goldcrest – Semi Detached – First Floor Plan 01-083_232 rev. P2
Goldcrest – Semi Detached – Roof Plan 01-083_234 rev. P2
Goldcrest – Semi Detached – Type A Elevations 01-083_236 rev. P3
Goldcrest – Semi Detached – Type B Elevations 01-083_246 rev. P3
Kite – Detached – Ground Floor Plan 01-083_250 rev. P3
Kite – Detached – First Floor Plan 01-083_252 rev. P3
Kite – Detached – Roof Plan 01-083_254 rev. P3
Kite – Detached – Elevations 01-083_256 rev. P3
Osprey – Detached – Ground Floor Plan 01-083_260 rev. P2
Osprey – Detached – First Floor Plan 01-083_262 rev. P2
Osprey – Detached – Roof Plan 01-083_264 rev. P2
Osprey – Detached – Elevations 01-083_266 rev. P3
Osprey 2 – Detached – Ground Floor Plan 01-083_270 rev. -
Osprey 2 – Detached – First Floor Plan 01-083_272 rev. -
Osprey 2 – Detached – Roof Plan 01-083_274 rev. -
Osprey 2 – Detached - Elevations 01-083_276 rev. P1.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with this application.

3. Tree Protection

The development hereby permitted shall be carried out in accordance with the details of tree protection set out in the Arboricultural Impact Assessment (ref. 6465-LLB-RP-AB-0001-S4-P04_AIA) and on the Tree Protection Plan (ref. 6465-LLB-XX-XX-DR-Ab-0002-S4-P05).

Reason: In the interests of protecting trees identified to be retained during the construction process.

4. Hard and soft landscaping

No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include additional landscaping to the apartment block car parking area, existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure and hard surfacing materials.

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

5. Landscaping

All new planting, seeding or turfing comprising the approved landscaping scheme pursuant to condition 4 shall be carried out in the first planting and seeding seasons following the completion of any particular phase. Any trees or plants, including retained trees and shrubs identified in the landscaping reserved matters, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

6. Secure by Design

Prior to first occupation of the development hereby permitted details demonstrating how the development meets the principles of 'secure by design' shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of crime prevention and safety.

7. Details of Materials

No development above construction of foundations shall take place until full details/samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.

Reason: In order to further secure good design and a satisfactory appearance and so as not to delay construction the condition is triggered once development has reached slab level.

8. Contaminated Land

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure

report together with the necessary documentation detailing what waste materials have been removed from the site.

- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

9. Code of Construction Practice

No development shall take place until a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works.

Reason: To protect the amenity of nearby occupiers and prevent pollution. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

10. Construction Surface Water Management Plan

No development shall take place until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved by the Local Planning Authority. The CSWMP shall detail how surface water and storm water will be managed on the site during construction. The plan should outline the phases of construction showing where and when drainage features will be installed and how runoff will be managed, to minimise flood risk and water quality impacts on site and to the surrounding areas. The construction shall be implemented in accordance with the approved details throughout the construction phase.

Reason: In the interest of managing flood risk during the construction stage. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

11. Hours of Construction Activity

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

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

Reason: To protect the amenity of nearby occupiers.

12. Ecological Mitigation

The development works and site clearance shall be carried out in accordance with the details provided within Section 11 of the Native Ecology Preliminary Ecological Appraisal Report (October 2023).

Reason: To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated.

13. Biodiversity Enhancement

The development shall achieve a biodiversity enhancement through implementation of the recommendations detailed within the BNG feasibility report and through the landscaping proposals detailed within the Lloydbore Indicative Landscape Master Plan 6465-LLB-XX-XX-DR-L-0001-S2-P07.

Reason: To ensure that a biodiversity enhancement can be achieved through the development.

14. Construction Traffic Management Plan

No development shall take place (including any works of preparation) until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall

be adhered to throughout the construction period. The Plan shall include as a minimum:

- a) Routing of construction and delivery vehicles to / from site.
- b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- c) Timing of deliveries, avoiding network and school peaks where possible.
- d) Provision of wheel washing facilities.
- e) Measures to prevent the discharge of surface water onto the highway.
- f) Temporary traffic management / signage.
- g) Recording the condition of the immediate local highway prior to commencement, and measures to make good any damage attributed to construction traffic.

Reason: In the interests of the amenities of the area and highway safety and convenience. These details are required prior to commencement in order to ensure that satisfactory measures are in place prior to any construction activity.

15. Electrical vehicle charging

The electric vehicle charging points indicated on plan ref. 01-083_180 shall be provided prior to first occupation of each dwelling within the development hereby permitted and shall be permanently retained and maintained to good working order thereafter. All Electric Vehicle chargers must be provided to Mode 3 standard (providing a minimum of 7kw).

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

16. Cycle storage

The cycle parking facilities indicated on plan ref. 01-083_170 rev. P3 shall be provided prior to first occupation of each dwelling hereby permitted and shall be permanently retained thereafter.

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.

17. Refuse Storage

The refuse storage facilities indicated on plan ref. 01-083_170 rev. P3 shall be provided prior to first occupation of each dwelling hereby permitted and shall be permanently retained thereafter.

Reason: To ensure the provision and retention of adequate refuse storage facilities.

18. Traffic Regulation Order

An application shall be made to progress a Traffic Regulation Order for a speed restriction on Warden Road between 'Boxmoor' and 'The Nest' and the scheme shall be implemented in accordance with the outcome of the

application prior to the occupation of any dwellings hereby approved as indicated on drawing number 30772-H-02 rev. P1.

Reason: In the interests of highway and pedestrian safety.

19. Public Right of Way Connection

No occupation of any dwelling shall take place until a footway link is provided within the red line site boundary to Public Right of Way ZS24, as indicated on drawing 01-083_110 rev. P3 and an uncontrolled crossing across the access road, as per the Transport Technical Note, have been completed in accordance with a Section 278 agreement with the Highway Authority.

Reason: In the interests of connectivity and to provide an alternative pedestrian route to Eastchurch.

20. Retention of car parking spaces

The vehicle parking spaces shown on plan ref. 01-083_120 rev. P3 shall be provided prior to the occupation of each dwelling to which the parking relates and all of the vehicle parking shall be permanently retained thereafter.

Reason: In the interests of providing adequate parking for occupants and visitors to the development.

21. Details of Lighting

Prior to the installation of any external lighting, full details including fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

Reason: External lighting details are necessary in the interests of the character and appearance of the area, biodiversity and to protect residential amenities

22. SUDS Scheme

No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy prepared by Robert West (June 2024) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

23. Surface Water Drainage Verification Report

Prior to first occupation of the development hereby permitted a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

24. Sustainable development, energy efficiency and renewable energy

No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency.

The details shall demonstrate that at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) will be achieved.

The development shall thereafter be carried out in accordance with the approved details.

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

25. Water conservation

The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

26. Accessible and Adaptable Dwellings

At least 12 of the dwellings hereby permitted shall be built to M4(2) of building regulations standards.

Reason: In order to secure accessible and adaptable dwellings.

27. Noise (plant and equipment)

Prior to the occupation of any dwelling details of the rating level of noise emitted from the proposed air source heat pumps and inverters for solar panels (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of any future residents and to ensure acceptable external and internal noise levels are specified and achieved.

28. Permitted Development Rights

Upon completion, no further development 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) shall be carried out.

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

29. Travel Plan

The development hereby permitted shall not be occupied until a comprehensive Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A249). The Full Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift;
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter;

- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- the remedial measures to be applied in the event that targets are not met;
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and paragraph 40 DfT Circular 01/2022.

30. Air Quality Mitigation

Prior to the first occupation of the development hereby permitted, and notwithstanding the provisions of the submitted Air Quality Assessment (Phlorum, November 2024) at paragraph 7.11, a schedule of on-site air-quality mitigations to offset the partial or full damage cost calculation at paragraph 7.6 shall be submitted to and approved by the Local Planning Authority in writing. The agreed mitigation measures shall be implemented in advance of the first occupation of any approved dwelling and maintained as such thereafter.

Reason: To ensure that the proposed development adequately mitigates against its expected adverse air-quality effects and to avoid duplication where mitigations are otherwise required by compliance with alternative regulatory regime.

31. Play Area

Prior to first occupation of the development hereby permitted details of the equipment for the children's play area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of play provision.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

