

2.2 REFERENCE NO - 23/505365/OUT			
APPLICATION PROPOSAL Outline planning application for up to 25no. residential dwellings (all matters reserved except for access into the site).			
ADDRESS Land To The Rear Of Eden Meadow Newington Kent ME9 7JH			
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to a S106 legal agreement and appropriate planning conditions with further delegation to the Head of Planning /Head of Legal Services (as appropriate) to negotiate the precise wording of the S106 agreement and planning conditions, including adding or amending such planning conditions as may be necessary and appropriate.			
APPLICATION TYPE Large Major Dwellings			
REASON FOR REFERRAL TO COMMITTEE: This application is reported to the Committee at the request of Councillor Richard Palmer on the basis of concerns about air quality and local highways and parking. Moreover, the recommendation of Officers is contrary to the recommendation of Newington Parish Council.			
Case Officer Joanna Russell			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Miss L Needham AGENT N/A	
DECISION DUE DATE 31.3.25		PUBLICITY EXPIRY DATE 24.1.25	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Transport statement dated Nov 2023 Drainage strategy report dated Nov 2023 Landscape and visual impact assessment dated Nov 2023 Archaeological desk based assessment dated Nov 2023 Planning statement dated Nov 2023 Land contamination assessment dated May 2019 Built heritage statement dated Nov 2023 Flood risk assessment dated Nov 2023 Design and access statement dated Nov 2023 Response letter to Lead Local Flood Authority dated Jan 2024 Transport technical note dated LVIA review by Jon Etchells Consulting dated Nov 2024 Phase 2 air quality assessment dated Oct 2023 Ecological impact assessment issued Nov 2023 Habitat condition assessment issued Nov 2023 Biodiversity net gain design stage report issued Nov 2023 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=S4L3GLTYGVZ00

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is situated to the south of the A2, and to the south of a residential development of 9 dwellings at 1-9 Eden Meadow. The site is located to the east of Newington, outside the built up area boundary. At its closest point the application site is situated approximately 120m from the built up boundary edge.
- 1.2 The majority of the site comprises an open field and has most recently been used as a paddock. There are mature trees along some of the boundaries, but none within the site. It is accessed via a gate from the Eden Meadow development and access runs past these houses towards the A2. The highway within Eden Meadow is also included within the site as it provides the access to the wider site from the A2 and needs to be included as it is a private road and not part of the public highway.
- 1.3 To the north of the main part of the site sits residential dwellings including 4 and 5 Eden Meadow and 5-6 Ellens Place on Boyces Hill, which are Grade II listed buildings. To the north western corner of the site and along Boyces Hill is a car dealership and vehicle repair business
- 1.4 The site borders open land to the south, east and west.
- 1.5 There are existing public rights of way within the local area, including PROW ZR65 to the south of the site; ZR66a to the east; ZR61 to the west and ZR59 to the north. The site is within an area of potential archaeological importance.

2. PLANNING HISTORY

- 2.1 20/501475/FULL - Erection of 20No. residential dwellings and associated car parking, hardstanding, landscaping and open spaces, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street. Withdrawn
- 2.2 16/505861/OUT (Site to the north (1-9 Eden Meadow, ME9 7JH) - Outline Application with access being sought for erection of 9 dwellings with access, garaging, parking provision and other associated works. Non-Determination Appeal - Allowed.
- 2.3 17/503155/REM (Site to the north (1-9 Eden Meadow, ME9 7JH) - Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to permission 16/505861/OUT for Outline Application with access being sought for erection of 9 dwellings with access, garaging, parking provision and other associated works – Permitted

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks outline consent for the provision of up to 25no. residential dwellings with all matters reserved except for access into the site.
- 3.2 The matters of layout, scale, appearance and landscaping, as well as access within the site, are reserved for future consideration. The submitted plans and supporting submissions indicate that two storey dwellings would be arranged primarily in two groups on the site. They would be accessed from the main estate road that would fork at the northern part of the site and extend around the east and west perimeters of the site. A separate single dwelling is shown to the west of the estate road at the north part of the site.

4. CONSULTATION

- 4.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2 Fourteen letters of objection from separate addresses were received. Concerns/comments were raised in relation to the following matters: -

Comment	Report reference
There is not infrastructure to cope with growth e.g. doctors.	7.93-7.95
Poor road width in the High Street cannot accommodate growth without unacceptable additional congestion.	7.76-7.81
Lack of continuous footpaths in the High Street.	7.10
Air pollution caused by traffic.	7.82-7.90
There are always roadworks in the village.	Not a material planning consideration.
Access is insufficient to deal with additional dwellings.	7.78-7.79
Cars might park on the kerb of the existing road.	The provision and arrangement of sufficient parking would be addressed within a subsequent reserved matters application. However, the submitted plans indicate there is scope to provide adequate parking within the site.
Detrimental impact on outlook from existing dwellings.	7.114
Loss of sunlight and privacy to existing dwellings.	7.114
Memorial signs have been placed along the main walking route. The	Not a material planning consideration.

views from these will be ruined.	
Loss of green space and impact on biodiversity.	7.47 – 7.49 and 7.56-7.60
The site is outside of the village boundary.	7.8
Homeowners in Eden Meadow purchased their houses on the understanding that they were a small / exclusive development.	Not a material planning consideration.
Loss of view of fields from rear of garden.	Not a material planning consideration.
Disruption from construction.	This would be addressed by Condition 18.
Damage to the existing road will be payable by existing residents.	Not a material planning consideration.
Negative visual impact on landscape.	7.47-7.51

- 4.3 One notification of support from separate addresses were received. Comments were raised in relation to the following matters:

Comment	Report reference
Newington is a sustainable location for residential growth.	7.9
The site is not within a designated landscape or the green belt.	7.46
The site located near public transport links.	7.10
The site is within walking distance of facilities and services.	7.9

- 4.4 **Newington Parish Council** have advised that they object to the proposal for the following reasons:

Comment	Report reference
Above the minimum parking standard should be applied (4 spaces per 3 and 4 bed house) owing to the rural setting of the village.	7.79
Harm through urbanisation of the countryside and over development.	7.47-7.49
Access – residents in the existing development will be impacted.	7.114
Development outside the built-up urban area.	7.8
Proximity to listed building – the proposal will cause harm to 5 and 6 Ellens Place, Boyces Hill.	7.31-7.36

5. REPRESENTATIONS

- 5.1 **KCC Highways** – No objection subject to the imposition of conditions.
- 5.2 **Natural England** – As competent Authority, Swale must carry out an Appropriate Assessment. Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that the appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.
- 5.3 **KCC Flood and Water Management** – No objection subject to the imposition of conditions.
- 5.4 **Lower Medway internal Drainage Board** – No comment.
- 5.5 **SBS Heritage** – Agrees with the conclusion of the submitted heritage statement that the proposal will result in a very low level of less than substantial harm to the significance of Ellen's Place. This harm has been minimised through the retention of a large area of the site as informal open space, a considered landscaping scheme and the retention of the best views of the building from within the site and the land beyond. Any harm therefore remains low and at the bottom end of the scale of less than substantial harm.
- 5.6 **KCC Ecology** – No objection subject to the imposition of conditions.
- 5.7 **KCC Economic Development** – Request developer contributions towards Kent infrastructure provision.
- 5.8 **Southern Water** – Provides guidance on layout requirements in relation to Southern Water infrastructure.
- 5.9 **Environment Agency** – Provided comments on surface water flooding as set out at Para 7.100.
- 5.10 **Kent Police** – Recommends that Secured by Design principles be incorporated into the proposal.
- 5.11 **NHS** - Requests contributions towards the healthcare implications of the development.
- 5.12 **SBC Environmental Health** – No objection subject to the imposition of conditions.

- 5.13 **SBC Greenspaces Officer** – No objection subject to conditions and securing formal sport contribution via a Section 106 agreement.
- 5.14 **SBC Affordable Housing Manager** – supportive of the indicative housing mix and tenure split. 40% of homes should be offered as affordable with 2 as First Homes.
- 5.15 **Kent County Archaeology** - there is potential for significant archaeological remains to occur on this site and to be affected by proposed development. I am satisfied that this can be addressed through a condition

6. DEVELOPMENT PLAN POLICIES

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

ST1 Delivering sustainable development
 ST2 Development targets for jobs and homes
 ST3 The Swale settlement strategy
 ST4 Meeting the Local Plan development targets
 CP2 Promoting sustainable transport
 CP3 Delivering a wide choice of high-quality homes
 CP4 Requiring good design
 CP6 Community facilities and services to meet local needs
 CP7 Conserving and enhancing the natural environment
 CP8 Conserving and enhancing the historic environment
 DM6 Managing transport demand and impact
 DM7 Vehicle parking
 DM8 Affordable housing
 DM14 General development criteria
 DM19 Sustainable design and construction
 DM20 Renewable and low carbon energy
 DM21 Water, flooding and drainage
 DM24 Conserving and enhancing valued landscapes
 DM28 Biodiversity and geological conservation
 DM29 Woodlands, trees and hedges
 DM31 Agricultural land
 DM32 Development involving listed buildings
 DM34 Scheduled Monuments and archaeological sites

6.2 Supplementary Planning Guidance/Documents

Swale Landscape Character and Biodiversity Appraisal (Jacobs, 2011)
 KCC Developer Contributions Guide.
 Swale Parking Standards (2020).
 Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020).
 Planting on new development – a guide to developers.
 Air Quality Technical Guidance (2021)
 A Heritage Strategy for Swale (2020)
 The Setting of Heritage Assets – Historic Environment Good Practice Advice in

Planning Note 3 (Second Edition), Historic England (2017)

- 6.3 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7. **ASSESSMENT**

- 7.1 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
- Heritage
- Archaeology
- Landscape and Visual Impact
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

Principle

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 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. Paragraph 11 sets out that for decision making this means approving development proposals that accord with an up-to-date development plan without delay.
- 7.4 Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of

land, securing well-designed places and providing affordable homes, individually or in combination .

- 7.5 Swale Council are unable to provide a 5 year supply of housing and therefore paragraph 11 of the NPPF is engaged.
- 7.6 Policy ST1 of the Swale Borough Local Plan 2017 (the Local Plan) seeks to deliver sustainable development that accords with the settlement strategy for the Borough.
- 7.7 Policy ST3 sets out the settlement strategy and directs development to existing defined settlements and allocated sites. It seeks to restrict development in the countryside unless it is supported by national planning policy and able to demonstrate that it would contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 7.8 The site is unallocated and, for the purposes of the Local Plan, located within the countryside, outside of any built area boundary. As will be assessed in further detail below, the visual impact of the proposal would not contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside or its buildings. Consequently, the proposal would not accord with policy ST3.
- 7.9 However as detailed above, the site is located in close proximity to the built area boundary of Newington. Newington is identified as a Rural Local Service Centre (Tier 4) within the Swale settlement strategy and is considered to be a relatively sustainable settlement with regard to its range of shops and services.
- 7.10 There is a continuous lit footpath from Eden Meadow along the A2 to the settlement of Newington. There are a number of services and facilities within walking distance of the site in Newington including the train station. Given the proximity and accessibility of the site to Newington, it is a sustainable location for the proposed scale of residential development.
- 7.11 A material consideration is the appeal decision for the immediately adjacent existing 9 dwellings at Eden Meadow (which the current proposal would be accessed through). In consideration of the appeal that related to application 16/505861/OUT at that site, the Inspector agreed with the Council's assessment that the site is '*reasonably well located*.' In reaching this view, the Inspector noted that it was not a challenging or excessive walk to reach the village centre, where there are shops, community facilities and connections to bus and rail services.
- 7.12 On the basis that Swale are unable to demonstrate a 5 year supply of housing, the local plan housing target cannot be met. Paragraph 11 is therefore engaged and the presumption in favour of sustainable development applies.
- 7.13 The harm caused by the proposal, the benefits of the proposal and the associated conflict and accordance with the Local Plan and the content of the NPPF, as a material consideration of significant weight, will be considered fully

in a balancing exercise below, once other material considerations have also been considered.

Agricultural Land

- 7.14 Local Plan policy DM31 states that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (BMV) will only be permitted where 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 there is an overriding need that cannot be met on land within the built-up area boundaries.
- 7.15 The appeal site comprises Grade 1 agricultural land and is therefore BMV. The proposal would result in the loss of BMV which is contrary to Local Plan policy DM31.
- 7.16 For the reasons that will be set out elsewhere, it will be relevant to weigh the harm that arises from this and the associated with policy against the benefits of the proposal. In doing so, it is considered that it would be appropriate to have regard to the approach taken by the Inspector when the same issue was assessed in the consideration of the adjacent Eden Meadows site. In that case the Inspector stated that *'the most compelling argument here is that the land is not currently in agricultural use and therefore there would be no loss of BMV. The view expressed by some that the site could potentially be used for arable farming, is not a good one in principle as it could be applied to a wide range of sites to the further detriment of housing supply. Even if the land was in agricultural use, the loss of 0.49 hectares would be relatively small and could not reasonably be described as significant in the terms set out in the Framework. Based on the foregoing, I conclude that the loss of BMV land would not be significant when assessed against national planning policy and does not weigh against the scheme'*.
- 7.17 As per the adjacent site, the application land is in use for grazing rather than active agricultural use. Whilst the area of land subject of this application is larger than the adjacent Eden Meadows site, it is considered that the harm arising to agricultural activity would be limited and it would therefore be reasonable to take a similar view as that which was taken by the Inspector of the site to north.

Size and Type of Housing

- 7.18 The NPPF recognises that 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 Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment

- 7.20 The Council's Housing Market Assessment (HMA) was 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.
- 7.21 An indicative housing mix has been set out above and includes the provision of a mix of 1 bed flats to 4 bed houses. Given that all detail (other than access) is reserved, this matter would be dealt with at detailed reserved matters stage to ensure that the mix continues to accord with Local Plan policy.
- 7.22 In view of the above, the proposals would be in accordance with policy CP3 of the Local Plan.

Affordable Housing

- 7.23 The NPPF sets out the requirement for appropriate affordable housing levels for new development based on up-to-date evidence.
- 7.24 As an 'other rural location' policy DM8 of the local plan requires 40% affordable housing to be provided. This would equate to 10 houses and would be secured through the signing of a 106 agreement. The applicant has agreed to this.
- 7.25 An indicative accommodation schedule has been provided setting out that 10 affordable homes would be provided. Two low-cost home ownership dwellings will need to be First Homes and the remaining eight affordable homes will need to be provided as Affordable Rent Tenure (ART) and/or Social Rented (SR) housing.
- 7.26 The Councils affordable housing manager has advised that the mix of affordable homes and the proposed tenure split is acceptable and that the affordable homes should be well integrated within the development site. This can be secured at reserved matters stage when the housing layout is agreed.
- 7.27 As supported by policies DM8 and CP3, the affordable homes should be designed for use by disabled occupiers and made available for a variety of groups including families, vulnerable and older persons. As such they should include accessible and wheelchair adapted homes with at least 10% of the social/affordable rented housing provided to Part M4(3) standard (wheelchair user dwellings) and the remaining affordable homes provided to Part M4(2) standard (accessible and adaptable dwellings). The applicant has confirmed that they are happy for this to be secured through the Section 106 legal agreement.
- 7.28 On this basis the proposal would accord with Local plan policy DM8.

Heritage

- 7.29 Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving

the building or its setting or any feature of special architectural or historic interest which it possesses.

7.30 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on it, to avoid or minimise conflict between the heritage assets 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.

7.31 The main part of the application site is located to the south of the grade II listed building known as Ellen's Place (comprising nos. 5 and 6 Boyces Hill). The application is accompanied by a heritage assessment which considers the relationship between the heritage asset and the indicative layout plans submitted with the application. It states that:

'...the proposed development will not affect the setting, or significance, of the majority of built heritage assets within the surroundings. However, it will result in changes within the setting of Ellen's Place, a Grade II listed building. This will include the alteration of views to and from the listed building and an alteration to the character of part of its wider setting. As demonstrated in this report, this will result in a very low level of less than substantial harm to the significance of Ellen's Place, engaging paragraph 202 of the NPPF [note – the NPPF para has now been updated to 215].

This harm has been minimised through the retention of a large area of the Site as informal open space, a considered landscaping scheme and the retention of the best views of the building from within the Site and the land beyond. Any harm therefore remains low and at the bottom end of the scale of less than substantial harm.

As demonstrated by this report and the Planning Statement submitted as part of this application, the public benefits of the proposed development, which include the provision of market and affordable housing, biodiversity net gain and the provision of public open space, will outweigh the limited, less than substantial harm to the significance of this Grade II listed building.'

7.32 The Council Heritage Officer agrees with this conclusion. Although the submitted plans are indicative with all matters reserved for later consideration, they demonstrate that the proposed quantum of development can be accommodated while maintaining a large landscaped amenity space to the eastern edge of the application site as a buffer which can be secured at reserved matters stage.

7.33 The level of harm to the setting of Ellen's Place would be largely mitigated by the provision of the amenity space - this would need to be provided on the plans at Reserved Matters stage. There was historically orchard use of the land and so seeking to reintroduce this type of landscape character as shown on the indicative plans would be appropriate. The management of this land can be secured through use of a condition.

- 7.34 In accordance with paragraph 212 of the NPPF, great weight has been given to the conservation of the heritage asset. As detailed above, the proposal would cause less than substantial harm, at the lower end of the scale, to the setting of Ellens Place. This would largely be mitigated through the provision of public open space as shown on the indicative plans and as would be required to be provided at reserved matters stage.
- 7.35 Taking account of paragraph 215 of the NPPF, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the mitigated harm is weighed against the public benefits of the provision of housing set against a current lack of 5 years supply in a sustainable location. On this basis, the public benefits of the proposal outweigh the harm, and the heritage impact of the proposal is concluded to be acceptable.
- 7.36 The proposed development would therefore accord with the provisions of Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, national and local policy.

Archaeology

- 7.37 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.38 Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.39 The application site is within an Area of High Archaeological Potential. An Archaeological Desk Based Assessment has been submitted with the application which details that it has high potential for the Iron Age and Roman periods and low potential for all other periods. The overall potential for surviving archaeology is considered high and the impact on any potential surviving archaeology should it exist.
- 7.40 The County archaeologist has concluded that there is potential for significant archaeological remains to occur on the site and to be affected by proposed development. They are satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate.
- 7.41 Subject to the imposition of a condition securing the above, the proposal would accord with Local Plan Policy DM34 and the NPPF.

Landscape and Visual Impact

- 7.42 Although the proposal is for outline permission with all matters reserved, the landscape and visual impact of the introduction of built form onto the site, and the indicative plans which illustrate how this can be achieved are relevant to consideration of the proposal as they indicate how the site can accommodate the proposed development.
- 7.43 Paragraph 131 of the NPPF states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 7.44 Local Plan policies ST1 and ST3, CP4 and DM14 seek to protect, and where possible, enhance, the intrinsic character, beauty and tranquillity of the countryside, promote and reinforce local distinctiveness, and conserve and enhance landscape character.
- 7.45 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. Moreover, Part B of this policy makes it clear that when a development results in having significant adverse impacts on the borough's landscape, the social and or economic benefits of the proposal will need to significantly and demonstrably outweigh the harm to the landscape character, and value of the area.
- 7.46 The site is not within a protected landscape. It is within the Newington Arable Farmlands character area as outlined within the adopted Swale Landscape Character and Biodiversity Appraisal 2011 SPD. This describes the condition of the land as 'poor' with a 'low sensitivity', and the guidelines for this area are to 'create'.
- 7.47 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which concludes that the proposed development can be successfully absorbed into the existing landscape framework with limited adverse effects on landscape features, landscape character, views, and visual amenity. It states that although the proposal will result in the loss of openness within the site itself, the indicative layout and open space provision will create a sympathetic settlement edge to Newington and achieve an appropriate transition between the urban area and the rural hinterland beyond, reinforcing that distinction between Newington and Keycol.
- 7.48 This document has been reviewed by an independent landscape specialist on behalf of the Council. The review concludes that while the submitted LVIA overstates the beneficial aspects of the development, and should have identified some low level and localised landscape and visual harm, it is generally consistent and comprehensive in its methodology and content. Crucially, it states:

'The adverse effects on the local landscape would result in some conflict with Local Plan policies which seek to protect the landscape and avoid harm to landscape character, and that conflict will need to be taken into account in the overall planning balance and judged against the benefits of the proposed development, and in the judgement of this review should be taken into account at a relatively low level, noting that the landscape harm would be limited to a very restricted area around the site, and would further decline with time.'

...this site has no landscape designations and the adverse effects in this case would be limited and contained within a small area, tightly drawn around the site.'

- 7.49 Although the proposal would result in the loss of open land, the site is a non-designated landscape and the level of harm that the proposal would cause would be at a low level and within a contained area. The indicative plans demonstrate that the proposals could be laid out at reserved matters in such a way as to minimise the visual impacts arising. The resultant harm to landscape character would be apparent but limited.
- 7.50 In light of Local Plan policy DM24 Part B which requires significant adverse impacts on the borough's landscape to be significantly and demonstrably outweighed by its social and or economic benefits, the low level of harm identified will be considered in the balancing exercise at the end of this report when weighed against other material planning considerations.
- 7.51 Of additional consideration on this matter is a recent and local appeal decision for application reference 21/504028/FULL ((land to the west of Newington Primary School) in which the Inspector assessed the provision of 25 dwellings and a school car park. The proposal was considered to have a limited adverse impact on the character and appearance of a non-designated landscape, and was also informed by a landscape and visual impact assessment. The Inspector concluded that the very limited adverse impact of the proposal was insufficient to significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework, taken as a whole and that paragraph 11 d ii of the Framework was of sufficient weight, as a material consideration, to justify setting aside the provisions of the development plan and allow the appeal. Whilst this appeal decision above is not determinative, with each case considered on its own merits and the manner in which weight is applied is for the judgement of the decision maker, it is considered that the comparable appeal provides a useful guide as to how weight can reasonably be applied to this matter in the planning balance exercise below.

Ecology

- 7.52 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.

- 7.53 Under the Natural Environment and Rural Communities (NERC) Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving and enhancing biodiversity. Furthermore, the National Planning Policy Framework states that 'Planning policies and decisions should contribute to and enhance the natural and local environment'. The NPPF also states that 'if significant harm to biodiversity 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.'
- 7.54 National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.
- 7.55 Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.56 The application is accompanied by an Ecological Impact Assessment, a preliminary ecological appraisal and reptile survey work.
- 7.57 The site supports a breeding population of slow worm and has potential to support foraging/commuting bats, badgers, hedgehogs and breeding birds. Kent Ecology have advised that the measures proposed in the submission are sufficient to mitigate the impact on the protected species present or likely to be present within the site.
- 7.58 There is a reptile receptor site in the south east corner of the site and this area must not be impacted by the construction works. Once construction has been completed the reptile population will be able to expand into the wider site where suitable habitat will be present. This can be managed by way of a condition.
- 7.59 The application is not subject to the statutory Biodiversity Net Gain requirement as it was submitted prior to the relevant provision coming into force. However under NERC as detailed above and the NPPF, development should provide for a biodiversity enhancement on site. Kent Ecology have recommended a condition to secure this.
- 7.60 On this basis the ecological impact of the proposal would be acceptable and in accordance with Local Plan policies CP7 and DM28 and the NPPF.

The Swale Special Protection Area

- 7.61 As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal Swale Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

- 7.62 Natural England has advised that an appropriate tariff of £337.49 per dwelling (excluding any legal and monitoring officer's costs) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries.
- 7.63 These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMB) produced by Footprint Ecology in July 2014.
- 7.64 The applicant has agreed to make the required financial contribution that is set out above and this can be secured by a Section 106 agreement.
- 7.65 A decision from the Court of Justice of the European Union (*People Over Wind v Coillte Teoranta*, ref. C-323/17) detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.
- 7.66 An Appropriate Assessment has been carried out as per below and has been adopted by the Council as the Competent Authority, which concludes that the proposed development will not adversely affect the integrity of the Thames Estuary & Marshes SPA and Ramsar Site and the Swale SPA and Ramsar Site.

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

- 7.67 The project being assessed would result in a net increase of up to 25 dwellings within 6km of the North Kent SPAs and Ramsar Sites. In line with Policy CP7 'Conserving and enhancing the natural environment – providing for green infrastructure' and Policy DM28 'Biodiversity and geological conservation' and based upon the best available evidence, a permanent likely significant effect on the SPAs and Ramsar Sites due to increase in recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPAs and Ramsar Site(s), the development will need to include a package of avoidance and mitigation measures.
- 7.68 The North Kent Strategic Access Management and Monitoring Strategy (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. Elements within the strategy are:
- Rangers to provide wardening and visitor engagement
 - A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas

- Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water
- Interpretation and signage
- New and/or enhanced infrastructure
- Enforcement and Monitoring

7.69 The report also considered alternative measures, such as legal covenants relating to pet ownership in new developments, and capping visitor numbers at recreational sites. Due to the complexities in enforcing legal covenants and in reducing visitor numbers to the North Kent marshes, it is difficult to have confidence that such measures would be effective in the long term.

7.70 The suite of strategic mitigation measures are being delivered through the Bird Wise project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff of £337.49 is required as a contribution towards the SAMMS.

7.71 Natural England has worked with the north Kent Local Planning Authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar Sites are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence should however be submitted showing that a mitigation contribution payment has either:

- Been made to the Bird Wise scheme through a Unilateral Undertaking; or
- Be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.

7.72 Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Bird Wise scheme, Swale Council conclude that with mitigation, the plan or project will have no adverse effect on the integrity of the European protected site(s).

7.73 The applicant has agreed to make the required financial payments under SAMMS through a S106 agreement or an alternative appropriate mechanism. This will be required prior to occupation of the development.

7.74 Natural England have advised that providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by the authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, they are likely to be satisfied that the appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

- 7.75 Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Transport and Highways

- 7.76 The NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

- 7.77 Policy DM6 of the Local Plan seeks to secure an acceptable layout and provision in relation to the travel requirements of a site, whilst policy DM7 seeks to ensure sufficient parking is available to future residents.
- 7.78 Access to the site will be via the Eden Meadows development to the north. The spine road has an initial carriageway width of 5.5m on entry to the site, narrowing to 4.8m within the confines of the site.
- 7.79 In accordance with the Kent Design Guide, a 4.8m wide minor access road is suitable to serve up to 50 dwellings. The current proposal, in combination with the nine previously developed dwellings, provides a total of 34 dwellings, thereby meeting this requirement. Kent Highways have raised no objection to this arrangement. There is also sufficient room to accommodate the parking requirements of the development within the site, which together with the layout and internal access routes, would be determined at reserved matters stage.
- 7.80 Further to the submission of additional information submitted in support of the proposal, Kent Highways have advised that approximately 36 per cent of vehicle movements from the application site will assign to the A2 (west) in the direction of the Medway Towns and that 64 per cent will assign to the A2 (east) in the direction of the A249 and Sittingbourne. This will generate traffic movements on the A2 through Key Street roundabout, and therefore a Section 106 contribution of £36,489.60 is requested towards highway capacity improvements at the roundabout. The applicant has agreed to this. KCC Highways have raised no objection to the proposals.
- 7.81 On the basis of the above, and subject to the imposition of conditions, and a Section 106 agreement to secure highways improvements, the transport and highways impact of the proposal accord with Local Plan policies DM6, DM7 and DM14, and national planning policy.

Air Quality

- 7.82 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.
- 7.83 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.
- 7.84 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’*.
- 7.85 The Local Plan at Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 7.86 The proposed development would utilise the existing vehicular access from Eden Meadow onto High Street (A2). Approximately 17m to the west of the existing access is the start of the Newington Air Quality Management Area (AQMA) and approximately 1km to the east of the existing access is the start of the Keycol Hill Air Quality Management Area (AQMA).
- 7.87 The application is accompanied by an Air Quality Assessment. The Council's Environmental Health Officers have reviewed this and, further to some clarification being provided, have advised that they are satisfied with its methodology and conclusions.
- 7.88 A damage/emission cost has been calculated at £8,109. This can be required through a condition requiring a scheme of air quality improvement measures to be submitted. Monitoring and reporting on usage can be provided in a travel plan also required by condition.
- 7.89 Conditions are also required to control and suppress dust throughout construction phase of development.
- 7.90 In light of the above, subject to the imposition of conditions, the air quality impact of the proposal is acceptable and in accordance with Local Plan policy DM6 and the NPPF.

Community Infrastructure

7.91 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.

7.92 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

7.93 The following financial contributions have been sought by KCC Economic development, then NHS and Swale Borough Council to mitigate the impact of the development upon services.

Primary Education	£7081.20 per house
Secondary Education	£5587.19 per house
SEND	£559.83 per house
Integrated children's services	£74.05 per house
Libraries	£62.63 per house
Adult Social Care	£180.88 per house
Community learning	£34.21 per house
Refuse	£194.13 per house
NHS contribution	£360 per occupancy
Swale Bin provision	£120.30 per house
SAMMs	£337.49 per dwelling
Formal sport provision	£713.17 per house
Highways Improvements at Key Street roundabout	£36,489.60
Open Space	£713.17 per dwelling

7.94 Officers are satisfied that the 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 CIL Regulations (as amended).

7.95 Subject to a S106 legal agreement to deliver these mitigating contributions, the proposal will not have an unacceptable impact in terms of infrastructure provision and, as such, would accord with the abovementioned national and local planning policies.

Open Space

- 7.96 Policy DM17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor recreation and play space, including urban parks, children's play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there. This space should be fully accessible all year round and therefore is generally not appropriate for Sustainable Urban Drainage Systems such as stormwater ditches.
- 7.97 The indicative plans submitted with the application show open space and planting as a buffer for the new development enhancing the existing space to the west and with a larger space to the east helping to reduce the impact on the listed property to the north.
- 7.98 The landscape strategy is appropriate, using native species and traditional orchard planting in keeping with its rural setting. Full detailed plans of play provision and landscape design would be required when layout and landscaping reserved matters are provided.
- 7.99 Given the size of the development the Council would seek off-site contributions toward existing facilities for formal sport. This will contribute toward enhancing capacity of the existing facilities at nearby locations in the village. Contributions will be sought at a level identified in the Open Spaces and Play Strategy of £713.17 per dwelling and this will be required through the 106 agreement.
- 7.100 The Council will not transfer or adopt open space facilities within the development and as such an alternative way of management and maintenance must be identified such as via a management company. This can be managed by condition.
- 7.101 At reserved matters stage it would be expected for the scheme to meet the open space requirements identified in the Local Plan and detailed by the Open Space Manager in their consultation response.
- 7.102 Subject to the above, the proposal would accord with Policy DM17 of the Local Plan and the NPPF.

Flood Risk, Drainage and Surface Water

- 7.103 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.
- 7.104 In terms of tidal and fluvial flooding, the application site is within Flood Zone 1. A Flood Risk Assessment has been submitted which demonstrates that the site is unlikely to be at risk of flooding.
- 7.105 The existing vehicular access to the site within the Eden Meadow development is identified on the Environment Agency (EA) maps which were updated in

January 2025 as at a high risk of surface water flooding. A supplementary technical note has been submitted with the application which advises that the EA maps are based on LiDAR (level) information that does not reflect the actual ground levels which are demonstrated to have been constructed during the Eden Meadow development as 0.3m above existing ground levels.

7.106 Kent as Lead Local Flood Authority have been consulted on this matter and have confirmed that the EA maps show the access road to be within an area of “high risk” to a depth of 20cm (lower probability and higher depths also indicated). And that the levels were taken from their LiDAR height model of March – September 2019. The applicant confirms that the development was completed in October 2019 and that this would explain the discrepancy.

7.107 The NPPF states that the flood risk sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future. Whilst the Environment Agency mapping indicates that a small area of the access road might be at risk of surface water flooding, a site-specific Flood Risk Assessment has demonstrated that, even before any mitigation works are considered and contrary to the content of the mapping evidence, development would not be at risk from any form of flooding in such a way that the development is required to pass the flood risk sequential test. The submissions of the applicant in this respect have not been contradicted by consultees and, as such, it is not considered that the sequential test can be a ground to find the proposal unacceptable.

7.108 Additional drainage information has been submitted with the application to supplement the Flood Risk Assessment. Kent as Lead Local Flood Authority have assessed this and advised they have no objection to the proposals subject to the imposition of conditions requiring approval and implementation of a surface water drainage scheme.

7.109 On this basis the flood impact of the proposal and the drainage of the site accords with national and Local Plan policy DM21 and subject to the imposition of conditions is acceptable.

Contamination

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

7.111 Environmental Health have considered the proposal and advise that there is no contaminated land history at the site or close to the boundary of the site and it is therefore not necessary to impose any condition in this regard.

7.112 On this basis, there is no objection to this element of the proposal as it is in accordance with Local Plan policy ST1 (11h) and the NPPF.

Living Conditions

Existing residents

7.113 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

7.114 The nearest neighbouring residential dwellings are predominantly to the North of the site in Eden Meadow and along the High Street. The application seeks outline planning permission and accordingly the masterplan layout is indicative only and subject to change at reserved matters stage. However, the indicative masterplan layout indicates that the proposed quantum of development could be accommodated within the site without any undue harm to the residential amenities of the occupants of nearby dwellings by reason of overlooking, loss of daylight and/or sunlight, visual impact, impacts on outlook and noise and disturbance.

7.115 Given that access to the site runs past existing dwellings on Eden Meadow, it would be appropriate and reasonable to impose a condition to manage construction impact in light of the potential impacts during construction on neighbouring property.

Future residents

7.116 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. This should be illustrated at reserved matters stage.

7.117 As noted above, the masterplan layout is indicative only and subject to revision. However, the layout demonstrates that 25 residential dwellings could be satisfactorily accommodated on the site whilst providing adequate separation between dwellings to ensure sufficient outlook and privacy for occupants of the dwellings.

7.118 Approval of the detailed internal layouts of the proposed accommodation is not sought at this stage. However, the indicative masterplan is considered to demonstrate adequate space to accommodate dwellings which would provide an appropriate standard of internal accommodation subject to details to be submitted at reserved matters stage.

7.119 The indicative masterplan layout demonstrates scope to provide adequate private amenity space in the form of rear gardens for the proposed houses.

7.120 Environmental Health have advised that, due to the development site being set back from the road, noise is not deemed to be an issue that would affect occupiers of the development. There are no other noise sources or sensitive areas identified.

- 7.121 The indicative masterplan shows that the site could accommodate a development which is acceptable in terms of the living conditions of both future occupiers and the occupiers of existing nearby residential properties. The proposal is therefore considered to be in accordance with Local Plan policy DM14 and the NPPF.

Sustainability / Energy

- 7.122 Policy DM19 of the Local Plan requires development proposals to include measures to address climate change.
- 7.123 A condition should be imposed on any planning permission to control excessive water consumption and to require the future development to include details of energy efficiency and/or renewable energy generation. Subject to the conditions, the application would comply with Policy DM19 of the Local Plan and the NPPF.

Planning Balance and Conclusion

- 7.124 The application site is located within the countryside for the purposes of local plan policy and the proposals would cause landscape harm at a local level. Consequently, the proposal conflicts with the Swale settlement strategy that is set out within Policy ST3, and the visual impact of the proposal would conflict with elements of Policies ST1 and ST3, CP4 and DM14. However, as the visual harm would be within a contained area and restricted to a non designated landscape, the harm would be limited. Moreover, although the land is not actively in agricultural use, it is identified as Grade 1 agricultural land and its loss would be contrary to Local Plan policy DM31.
- 7.125 Subject to the imposition of conditions, details to be addressed at reserved matters stage as identified in this report, and a signed 106 agreement, there are no other objections to the proposal. In this regard it is noted that, the heritage balancing exercise has found that the public benefits arising from the proposal, mostly arising from the delivery of housing, outweigh the less than substantial harm that would be caused by the development having a low level impact on the setting of nearby heritage assets.
- 7.126 Weighing in favour of the proposal, the development would represent a boost to housing supply in an accessible location where the occupiers of the dwellings would be able to access day to day facilities and services using sustainable means of travel.
- 7.127 As Swale is unable to demonstrate a deliverable 5 year supply of housing, the NPPF indicates that the policies of the local plan that relate to the delivery of housing should not be considered up-to-date and, as a result, planning permission should be granted unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.128 In this instance, the adverse impacts of the proposal would be at a low level and would not significantly and demonstrably outweigh the benefits of the provision of housing in a sustainable location.

7.129 The NPPF therefore indicates that the planning permission should be granted and this is considered to be a material consideration of sufficient weight to indicate that planning permission should be granted despite the elements of harm that have been identified and the associated conflict with the development plan. Accordingly, it is recommended that, subject to the imposition of conditions and the completion of a S106 agreement, planning permission is granted for the proposal.

8. CONDITIONS

RESERVED MATTERS

1. Details relating to the appearance, landscaping, layout, and scale of the proposed dwelling(s) and access within the site (hereinafter called the 'reserved matters') shall be submitted to and approved by the Local Planning Authority before any development is commenced and the development shall be carried out as approved.

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

TIME LIMIT – RESERVED MATTERS

2. The first application for approval of reserved matters referred to in Condition (1) must be made to the local planning authority no later than the expiration of three years beginning with the date of the grant of outline planning permission.

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

3. The first phase of development to which this permission relates must be begun not later than the expiration of two years from the final approval of the relevant reserved matters.

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

PLANS

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

Site location plan 23254D_10B

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

SUSTAINABILITY

5. No residential unit shall be occupied until details of measures to achieve a water consumption rate of no more than 110 litres per person per day, the rate for that unit(s) have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter.

Reason: In the interests of water conservation and sustainability.

6. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

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

SECURED BY DESIGN

7. Submission of reserved matters in accordance with condition 1 shall demonstrate that the proposal incorporates measures to minimise the risk of crime that accord with the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) following the guidance set out in the Secured by Design. The measures shall be thereafter retained.

Reason: In the interest of security, crime prevention and community safety

8. Development shall not begin 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 principles contained within the Drainage Strategy Report (Revision P02-05/01/2024) prepared by and Infrastructure Design Limited. The submission will further 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 within the curtilage of the site 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 in accordance with the approved details prior to first use of the development.

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.

9. No building of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been 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

ECOLOGICAL MITIGATION

10. Prior to first occupation of any dwelling, the ecological mitigation within Ecological Impact Assessment (Native Ecology; November 2023) must be implemented as detailed.

Reason: In the interests of biodiversity mitigation.

BIODIVERSITY ENHANCEMENT

11. Prior to first occupation of any dwelling, measures for enhancement of biodiversity shall be implemented in accordance with a scheme that of biodiversity enhancement that shall have first been submitted to and approved in writing by the local planning authority. This will include integrated bird and/or bat boxes within all buildings and bat, bird and insect boxes within the wider site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list).

The approved measures will be retained thereafter.

Reason: To enhance biodiversity value on site.

RETENTION OF TREES

12. Any application to address the reserved matters of layout or landscaping (submitted under the terms of condition 1) shall include details of existing trees

and hedges that are to be retained and details of protection in accordance with the current edition of BS 5837. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

LIGHTING DESIGN STRATEGY

13. No development shall take place above foundation level until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall demonstrate the following:
- Lighting is designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's '*Guidance Note 08/23 Bats and Artificial Lighting at Night*'.
 - Lighting will be downward facing and on motion sensors
 - Lighting will follow the KCC street lighting requirements. Residential roads typically are on a minus 40/60% dimming regime so dim by 40% between the hours of 20:00 – 22:00 and then dim by minus 60% between the hours of 22:00 to 05:00.

The strategy will show how and where external lighting will be installed, as well as the expected light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not impact biodiversity. All external lighting shall be installed in accordance with the approved specifications and locations set out in the strategy and be maintained thereafter.

Reason: In the interests of biodiversity.

MANAGEMENT OF OPEN SPACE

14. Prior to first occupation of any part of the development herein approved, a plan for the management and maintenance of the on site open space shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the ongoing management of the site including identified roles, responsibilities and financial accountability. The management and maintenance of the open space shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the management and maintenance of the site.

ARCHAEOLOGY

15. To assess and mitigate the impacts of development on significant archaeological remains:

A) Prior to any Reserved Matters application, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

The evaluation works outlined Part A of the above condition should involve an initial stage of geophysical survey followed by a programme of archaeological trial trenching and geoarchaeological test pitting taking account of the results of the geophysical survey work.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in the interests of the preservation of archaeological remains.

AIR QUALITY

16. No development shall take place until the developer has submitted a scheme detailing and where possible quantifying/costing what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The scheme should reference the sums calculated in the Emissions Mitigation Statement undertaken and detailed in the Air Quality Assessment undertaken by SLR Consulting dated 30.10.2023.

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

Reason: Required prior to commencement of development to ensure adequate mitigation measures can be implemented against air quality impacts.

UNEXPECTED CONTAMINATION

17. 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 any land contamination is adequately dealt with.

CONSTRUCTION MANAGEMENT PLAN

18. No development, site clearance or preparation shall take place until a Construction Management Plan has been submitted to and approved by the Local Planning Authority.

The plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to:

- An indicative programme for carrying out the works.
- Site hours of operation.
- Routing of construction and delivery vehicles.
- Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- Timing of deliveries, avoiding network and school peaks where possible.
- Sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
- Measures to prevent the discharge of surface water onto the highway.

- Temporary traffic management / signage.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan.

Reason: To prevent detrimental impact on surrounding roads and to protect the amenity of nearby users.

PARKING

19. The application submitted for the approval of layout as a Reserved Matter shall include details of areas for the parking of cycles and the parking and manoeuvring of vehicles in the development in accordance with the Council's adopted parking standards. The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling to which they relate and retained thereafter.

Reason: To ensure satisfactory provision and retention of car and cycle parking.

ELECTRIC VEHICLE CHARGING

20. No dwelling shall be occupied until full details of the electric vehicle charging have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented for each house before the dwelling in question is first occupied, and retained thereafter. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: [schemeapproved-chargepoint-model-list](#)

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

HIGHWAY INFRASTRUCTURE

21. No development shall take place above foundation level until details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture has been submitted to an approved by the Local Planning Authority. The works shall thereafter be laid out and constructed in accordance with approved details.

Reason: To ensure the provision of satisfactory highways infrastructure.

22. Prior to first occupation of any dwelling, the following works between that dwelling and the adopted highway shall be completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: To ensure the provision of appropriate highway works.

TRAVEL PLAN

23. Prior to occupation of the development, a Travel Plan, to reduce dependency on the private car shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable travel options

INFORMATIVES

1. The following other documents were taken into account in determination of the application:

Transport statement dated Nov 2023
 Drainage strategy report dated Nov 2023
 Landscape and visual impact assessment dated Nov 2023
 Archaeological desk based assessment dated Nov 2023
 Planning statement dated Nov 2023
 Land contamination assessment dated May 2019
 Built heritage statement dated Nov 2023
 Flood risk assessment dated Nov 2023
 Design and access statement dated Nov 2023
 Response letter to Lead Local Flood Authority dated Jan 2024
 Transport technical note dated
 LVIA review by Jon Etchells Consulting dated Nov 2024
 Phase 2 air quality assessment dated Oct 2023
 Ecological impact assessment issued Nov 2023
 Habitat condition assessment issued Nov 2023
 Biodiversity net gain design stage report issued Nov 2023
 Surface water technical note dated 4.3.25

23254D 150 Parameter plan
 23254D_100K Illustrative site layout plan
 LN-LP-06 Rev A Landscape strategy plan

The Councils approach to the application:

In accordance with paragraph 39 of the National Planning Policy Framework (2024), 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.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

