

2.4 REFERENCE NO - 24/503677/FULL		
APPLICATION PROPOSAL - Erection of 38 no. residential dwellings, together with associated two access points, open space, landscaping, drainage, infrastructure works and the provision of car parking for allotment users.		
ADDRESS Land Off Riddles Road Sittingbourne Kent		
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.		
REASON FOR REFERRAL TO COMMITTEE – This application is reported to the Committee on the basis that the recommendation is contrary to the view of Borden Parish Council, who have specifically requested the application be decided by the Planning Committee.		
WARD Homewood	PARISH/TOWN COUNCIL Unparished	APPLICANT Fernham Homes Operations Limited AGENT DHA Planning
DECISION DUE DATE 04/12/24		PUBLICITY EXPIRY DATE 17/10/24
BACKGROUND PAPERS AND INFORMATION: Documents and drawings referenced in report are as follows: - Landscape Masterplan, 6444-LLB-XX-XX-DR-L-0001 rev. P07, Emission Mitigation Assessment, Redmore Environmental, January 2025, Revised Proposed Site Plan, 051_100 rev. P2, Acoustic Report, August 2024, Landscape Visual Impact Assessment P.1-4 with subsequent Addendum, Arboricultural Implications Assessment, Broad Oak Tree Consultants Limited, August 2024, Ecological Impact Assessment, Native Ecology, August 2024, Energy and Sustainability Statement, Stroma, August 2024. Transport Statement, DHA, August 2024. 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=document&keyVal=SJ6Y0OTYLM00		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site comprises two parcels of undeveloped land, which are broadly rectangular and divided centrally by Riddles Road. The application site is located to the south of Borden Lane, which marks the transition between the Urban Area of Sittingbourne to the east and rural Borden to the west. To the west is Borden Nature Reserve. To the east/southeast are allotments and countryside beyond. In total, the site area is 3.2 hectares in size. The site forms part of the Important Local Countryside Gap, as designated by Policy DM25 of the Swale Bearing Fruits Local Plan 2017, although it does not form a designated landscape.
- 1.2. In the broader context, directly adjacent to the northeast of the site is the location of the access to be constructed to connect Borden Lane with the Wises Lane development (ref:17/505711/HYBRID), a mixed-use allocation proposing up to 675 dwellings, that is currently under construction. Houses and commercial buildings that will be provided as part of that site are separated from the application site boundaries by approximately 263 metres.
- 1.3. Further south-east is Ufton Court Farm, which has been granted permission for housing development at appeal under reference APP/V2255/W/23/3333811. As part of the Ufton Court Farm development, the western end of Riddles Road between Starveacre Lane and Borden Lane is to be closed, and this matter is further explored in the highways section of the report.
- 1.4. The application site is classified as Grade II agricultural land, which historically comprised orchards and, more recently for around 20 years, has been used for the grazing of horses.
- 1.5. The application site is located within Flood Zone 1 (lowest risk of flooding), and there is no high/medium risk of surface water flooding.
- 1.6. Located centrally at the crossroad of Borden Lane and Riddles Road, is a two-storey listed building, known as Riddles Cottage, Riddles House, which is Grade II listed.

2. PLANNING HISTORY

- 2.1. The relevant planning history for this site is set out below:
 - 2.1.1. **SW/01/1043:** Approved application proposing stable livery in 4 stables and change of use of redundant farmyard to grazing land.

2.2. There is also planning history in the surrounding area that is of relevance to this application: -

Ufton Court Farm

2.2.1. **22/505646/OUT** – Refused, but allowed at appeal. Outline application with access being sought for the erection of up to 290 dwellings, the formation of a new means of access onto Minterne Avenue, new footpaths and cycle routes, the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure.

Swanstree Avenue

2.2.2. **21/505498/OUT** – Allowed at appeal (against non-determination) for outline planning application for up to 135no. dwellings with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point (All matters reserved except for means of access).

Wises Lane

2.2.3. **17/505711/HYBRID** – Secretary of State decision to allow appeal for up to 675 dwellings to include: outline planning permission for up to 595 dwellings including affordable housing; a 2-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq. m GIA and up to 560 sq. m GIA of “flexible use” floorspace that can be used for one or more of the following uses – A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse/community building up to 375 sq. m GIA, 3 standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street/A249; allotments: and formal and informal open space incorporating SUDS, new planting/landscaping and ecological enhancement works; and full planning permission for the erection of 80 dwellings including affordable housing, open space, associated access roads vehicle parking, associated services, infrastructure, landscaping and associated SUDS.

3. PROPOSED DEVELOPMENT

3.1. Full planning permission is sought for the construction of 38 dwellings arranged across two parcels of development – A and B. 39.5 % of the housing proposed as part of this application will be provided as affordable housing, equating to 15 affordable dwellings. The location of affordable housing is within parcel B and the tenure type proposed is:

- 50% affordable rent dwellings,
- 50% shared ownership dwelling.

- 3.2. Relating to the layout, the proposed built form would incorporate two different character areas depending on their location. Parcel A would adjoin Borden village and include 20 dwellings. These would be arranged more loosely within the site, representative of lower density, and would be located within a perimeter block, providing access links through to Parcel B and the urban area of Sittingbourne. Dwellings fronting Borden Lane are set away from the road, separated by a generous landscaping strip with tree planting but following the established building line. The proposed houses are large, detached dwellings with separate garages and more spacious gardens.
- 3.3. Parcel B would be separated from Parcel A by Riddles Road and a substantial planting buffer between the two parcels. Parcel B would continue development in the Sittingbourne Urban Area and would represent a higher-density scheme, featuring a row of terraces, semi-detached properties or maisonettes.
- 3.4. The majority of houses will be two-storey in height, but a couple of bungalows are also proposed (plots 34, 35). Houses in Parcel A will feature clay hanging tile faces, brick detailing, and white and black weatherboarding, as well as chimneys. Parcel B would focus more on render, brick, clay and concrete roof tiles.
- 3.5. Turning to the vehicular access, two access points are proposed off Borden Lane. The proposed access road to Parcel B will be 5.5 meters wide. Regarding parking provision, the submission confirms that 97 parking spaces will be provided, including 8 visitor parking spaces. Cycle parking will be provided in accordance with the standard, as set out in the Transport Assessment.
- 3.6. The central part of the site would be retained as usable open space. This would incorporate the provision of orchard planting surrounding the listed building, a circular walk and informal landscape features such as a maze and timber trails. A new attenuation pond is proposed as part of the drainage strategy in the southern part of the site, and this is proposed to be permanently wet for biodiversity benefits.

4. CONSULTATION

- 4.1. Three rounds of consultation were 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 press. Full details of representations are available online.
- 4.2. During the lifetime of this planning application, **Borden Parish Council** provided three representations and objected to the application on the following grounds:-

Comment	Report Reference
Identified a need for this development towards improvements for Playstool Playing Pitches and the recreational area in Borden.	7.12.3, 7.12.4
Further clarification should be provided on access to and from Riddles Road and any closures made as part of the Ufton Court Farm appeal.	7.10.2
Lack of integration between social and private housing.	7.5.5
Loss of countryside gap between Borden and Sittingbourne.	7.29, 7.2.10, 7.8.6, 7.8.7, 7.8.8, 7.8.9,
The harmful effect on the setting of listed buildings	7.6.6, 7.6.11
Loss of light and privacy to current residents on Borden Lane	7.16.2, 7.16.3, 7.16.4, 7.16.5, 7.16.6, 7.16.7
Failure to provide 10% BNG	7.9.10
The green space proposed is insufficient to mitigate the habitat loss.	7.12.3, 7.9.5, 7.9.8
Insufficient wildlife surveys	7.9.5, 7.9.8
Transport surveys do not account for the lack of public transportation.	7.10.4, 7.10.5

- 4.3. In total 36 letters of representation from neighbouring occupiers, all objecting to the application, have been received. In response to the first round of consultation, 22 objections were received, which raised the following points:-

Comment	Report reference
The rural character of the site would be lost and the character of the area would be changed by the addition of this Housing estate which will appear urban and incongruous.	7.2.10, 7.2.11
Inaccuracies within the planning	

submission in terms of road alignment (Riddles Road and Borden Lane)	7.10.11
The proposed development is clearly contrary to this settlement policy and national policy preventing development in the open countryside	7.19.1 – 7.19.6
There is insufficient GP service in Swale, and new development will exacerbate this problem.	7.13.5
Site is not allocated for development and no more houses are needed in this area	7.19.1 – 7.19.6
Borden will become suburb	7.8.10 – 7.8.12
No ecological reports were provided	7.9.5, 7.9.8
The site is not located in accordance with Policy ST 1 to Policy ST 7	
Wildlife in the nearby area is reduced as a result of new development, particularly butterflies.	7.9.5 – 7.9.8
There will be a high reliance on private car usage as Kent County Council have reduced funding for rural services and therefore the number of buses has reduced.	7.10.4
Repetitive design is not characteristic of the area.	7.8.10 – 7.8.12
There is insufficient community infrastructure (schools, healthcare) to support the additional population.	7.13.4 – 7.13.5
Loss of privacy, loss of views, overlooking and overshadowing on 195 and 197 Borden Lane	7.16.2, 7.16.3, 7.16.4, 7.16.5, 7.16.6, 7.16.7
Increased noise levels arising from the additional traffic.	7.16.8
Impact upon the protected species and ecological habitats and species such as badgers, foxes, dormice, bats and birds.	7.9.5 – 7.9.8
There is a high reliance on 3 and 4 bed properties and there should be a higher focus on 2 bed and 3 bed properties.	7.4.4
Affordable housing is segregated	7.5.5

Evasive impact of construction pollution, sound/noise, air quality, and poor quality of modern housing	7.11.5 – 7.11.7, 7.17.2-7.17.3
The application should not be further considered due to far more suitable 'brownfield' areas of Sittingbourne needing to be considered before green lands	7.19.1 – 7.19.6
The footway along Borden Lane is not 2 metres wide	7.10.5
Not sustainable due to limited bus service	7.10.4
The exit of the estate onto the part of Borden Lane where there is a blind bend will become an accident hot spot	7.10.11
Impact on the listed building	7.6.6, 7.6.11
Increased pressure on water supply, sewage, and drainage systems, emergency services and power grid.	7.14.3 – 7.14.6
There are inaccuracies in the submitted plans; It shows Riddles Road as open whilst it will be closed under the Ufton Court Farm development;	7.10.2
No information regarding the boundary treatment between No. 195 Borden Lane and the new development	7.16.7
This development would merge Borden with Sittingbourne and permanently damage the village's character.	7.29, 7.2.10, 7.8.6, 7.8.7, 7.8.8, 7.8.9,

- 4.4. Following receipt of the application, amendments to the scheme were requested, including revisions to the quantum of development and its layout, to which 10 objections have been received. In addition to the above comments, the following new concerns were raised: -

Comment	Report reference
Questions whether sufficient ecological surveys were carried out, particularly around bat presence and protection of great crested newts.	7.9.5, 7.9.8
Permanent loss of agricultural land	7.3.3
Local Authority has duty of care and obligation to prioritise the	7.18.2

health and well-being of residents	
The application proposes drainage works, but there is limited information on the long-term effectiveness of these measures. Increased impermeable surfaces from 38 new homes may elevate flood risks to the area, especially during periods of heavy rainfall.	7.14.3 – 7.14.6
Impact on the peaceful character of allotments	7.18.3

- 4.5. Subsequent to the above, final revisions were submitted in May 2025, to which 4 objections were received, raising no new matters beyond those reported above.

5. REPRESENTATIONS

- 5.1. **Health & Safety Executive** – The proposal do not fall within the remit for comments from Health & Safety Executive so no comments offered.

- 5.2. **KCC Highways** – No objections, for the following reasons:-

- The proposed additional vehicle activity would not cause concern regarding its impact on the wider highway network;
- Further details were provided to include a Refuse Strategy Plan, which proposes acceptable dragging distance for proposed units, and a refuse strategy plan which is acceptable.
- The proposal introduces two priority junctions designed to a required standard and with sufficient visibility splays;
- The proposal provides parking in accordance with policy requirements;
- Recommendation has been provided that for each dwelling where tandem parking is proposed, an additional 0.5 visitors parking spaces should be provided

- 5.3. **National Highways** – Raised no objections on the basis that the scale and size of the proposed development would have no material impact upon the strategic road network, subject to a safeguarding condition requiring a Construction Traffic Management Plan prior to commencement.

- 5.4. **KCC Ecology** – No objections were raised, as the proposed development has been accompanied by sufficient ecological information to inform the proposals and mitigation measures. KCC noted that there may be additional recreational impacts resulting from increased visits to Borden Nature Reserve and lighting impacts. Therefore, lighting needs to be designed to minimise spill, and financial mitigation be secured for additional management measures that

minimise increased recreational impacts. KCC recommends that BNG be secured through a legal agreement, due to on-site gains.

It is recommended that safeguarding conditions are imposed requiring the submission of an updated ecological report if development is not commenced within 18 months, submission of LEMP (Landscape and Ecological Management Plan), submission of sensitive lighting plan, provision of on/off site BNG and implementation of mitigation prior to works commencing and implementation of landscaping scheme.

5.5. **KCC Lead Local Flood Authority (LLFA)** – No objections subject to conditions requiring further infiltration testing and detailed drainage scheme prior to commencement and submission of verification report prior to occupation.

5.6. **KCC Economic Development** – No objections, subject to financial mitigation towards community infrastructure, including:-

Type of infrastructure	Cost	Project
Primary Education	£208,895.40	Towards a new Primary school in Southwest Sittingbourne (Local Plan Policy MU3) and/or increased capacity in the Sittingbourne
Secondary Education	£164,822.11	Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups
Special Education Needs & Disabilities (SEND)	£16,514.99	SEND contribution to be applied towards additional places in the Swale district.
Community Learning and Skills (Adults)	£1,060.51	Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.
Integrated Children's	£2,295.55	Contributions requested

Services		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.
Libraries, Registrations and Archives Service	£1,941.53	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne Library.
Adult Social Care	£5,607.28	Towards Specialist Housing Provision in the district, adaptation of community facilities, technology to promote independence, multi sensory facilities and changing place facilities in the vicinity of the development.
Waste	£6,018.03	Towards additional capacity at Sittingbourne HWRC & WTS.
All homes to be built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
All to be index-linked by the All-In Tender Price Index from Q1 2022 to the date of payment.		

- 5.7. **NHS** – No objections, subject to financial mitigation being secured in s.106 agreement to mitigate pressure on healthcare arising from the proposed development, as set out below:-

Amount of contribution	Mitigation project
£37,620	Towards refurbishment, facilities and equipment reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development <u>or</u> new premises for general practice or healthcare services provided in the

	community in line with the healthcare infrastructure strategy for the area.
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- 5.8. **Southern Water** – Acknowledges that network reinforcement will be required to accommodate additional capacity for the proposed development. This would be done after planning permission is issued and under separate legislation. No objections were raised, and notes that separate applications under Section 106 of the Water Act will have to be submitted, as well as further maintenance details of suds should be required via condition.
- 5.9. **Kent Police**—No objections, subject to information requiring engagement with Designing Out Crime Officers (DOCOs) to incorporate Secured By Design (SBD) as appropriate.
- 5.10. **Natural England** – No objections, subject to financial contributions towards mitigation of additional recreational pressure upon North Kent Special Protection Areas (SPA).
- 5.11. **UK Power Network**— No objections, but notes that high/low voltage underground run within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks.
- 5.12. **Mid Kent Environmental Protection Team** – No objections raised, subject to the noise mitigation and air quality standard mitigation as set out in the Emission Mitigation Assessment, being secured. A verification report shall be submitted to the Local Planning Authority after approved measures have been installed.
- 5.13. **Historic England** – No comments offered – deferred to the Council's Heritage Officer.
- 5.14. **Environment Agency** – No objections raised and information provided in relation to measures to reduce contamination of groundwater and piling foundations.
- 5.15. **Lower Medway Internal Drainage Board** – No objections - KCC Flood & Drainage is the relevant authority to comment in relation to this application. Nonetheless, recommends that a detailed drainage scheme and a suds maintenance schedule be secured via a safeguarding condition.
- 5.16. **SBC Urban Design** – Following revisions to the scheme, raises no objections and has the following observations: -
- The density and pattern of development in parcel A respond to the Borden edge,
 - The lower density and revised layout allow retention of more of the undeveloped settlement gap and provides additional opportunities for

landscape buffer and woodland planting to help soften and screen the development

- Whilst parcel A does not relate to the existing pattern of development along Sittingbourne Urban Area entirely, the proposed design provides active frontages onto open space and this will help to create successful open space and create a 'bookend' of the settlement, and so is acceptable.

5.17. **SBC Heritage** – Identified a less than substantial level of harm (at a lower end of the scale) to the setting of listed buildings, known as Riddles Farmhouse, Grade II listed and Posier (Grade II listed).

5.18. **KCC Archaeology** – No objections raised, subject to safeguarding conditions requiring field evaluation work prior to submission of the reserved matters application.

5.19. **KCC PROW** – No comments to make.

5.20. **SBC Active Travel** – No objections, but encouraged consideration to be given to lighting and widening of a footway along Borden Lane.

5.21. **SBC Climate Change** – No objections, subject to the Applicant confirming water consumption will be limited to 110 w/l/p/p and EV charging points installation for visitor's parking spaces.

5.22. **SBC Affordable Housing** - Supports the proposed development, including a deviated tenure split of 50% affordable rent and 50% shared ownership.

5.23. **Kent Fire & Rescue** – No objections.

5.24. **SBC Trees**— No objections, as the impact upon existing vegetation is minimal. Brings Officers' attention to the close proximity of units 5-8 to Leyland Cypress (G34 in Tree Survey) and raises concern that it may lead to overshadowing.

5.25. **SBC Green Spaces** – No objections, subject to a financial contribution to enhance the open space provision through financial contributions, as identified in the current Open Space and Play Strategy:
£713.99 per dwelling towards formal sports provision within The Playstool, Borden

6. DEVELOPMENT PLAN POLICIES

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

ST1: Delivering sustainable development in Swale

ST2: Development targets for jobs and homes 2014- 2031

ST3: The Swale settlement strategy

ST4: Meeting the Local Plan development targets
ST5: The Sittingbourne area strategy
CP2: Promoting sustainable transport
CP3: Delivering a wide choice of high-quality homes
CP4: Requiring good design
CP5: Health and wellbeing
CP6: Community facilities and services to meet local needs
CP7: Conserving and enhancing the natural environment – providing for green infrastructure
CP8: Conserving and enhancing the historic environment
DM6: Managing transport demand and impact
DM7: Vehicle parking
DM8: Affordable housing
DM14: General development criteria
DM17: Open space, sports and recreation provision
DM19: Sustainable drainage and construction
DM21: Water, Flooding and drainage
DM24: Landscape
DM25: Important Countryside Gap
DM28: Biodiversity and geological conservation
DM29: Woodlands and Trees
DM31: Agricultural Land
DM32: Development involving listed buildings
DM33: Development in a conservation area
DM34: Scheduled Monuments and Archaeological Sites

6.2 **Supplementary Planning Guidance / Document:**

- Swale Landscape Character and Biodiversity Appraisal SPD
- Swale Parking Standards SPD
- Developer Contributions SPD

6.3 **Other relevant material considerations:**

- Open Space Strategy
- Air Quality and Planning Technical Guidance
- Planting on New Developments
- Borden Harman's Corner Conservation Area Appraisal

7. ASSESSMENT

7.1. This application is reported to the Committee due to Borden Parish Council's objection being contrary to the Officer's recommendation. Considering these comments and the proposal that has been submitted, the main considerations in the assessment of the application are:-

- Principle
- Size and type of housing
- Affordable Housing
- Community Infrastructure
- Open Space

- Character and appearance and landscape impacts
- Heritage
- Archaeology
- Ecology
- Transport and Highways
- Air Quality
- Sustainability
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Other Matters

7.2. Principle

7.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision-making is the development plan unless material considerations indicate otherwise. For these reasons, the starting point for policies in the adopted Local Plan are that they afforded significant weight.

7.2.2. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.2.3. Paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Local Plan policies are considered out-of-date due to the fact that the Council is unable to demonstrate 5-year housing land supply.

7.2.4. Paragraph 124 of the NPPF states that planning decisions should promote effective land use, which contributes to the environmental objective of sustainable development, as defined by paragraph 8.

7.2.5. Policy ST1 of the Local Plan supports sustainable development on both identified and suitable sites within the borough.

7.2.6. The application site is a 3.2-hectare parcel of agricultural land in the open countryside between Borden village and the urban area of Sittingbourne. There are existing pavements along the application site's boundaries, and although these are narrow, supplementary walking routes are provided within the open space, offering alternative and sustainable walking options. The existing bus

stop in Adelaide Drive is within walking distance from the site (approximately 360 metres) and provides some level of regular service to the nearby settlements. In addition, whilst the site clearly is located in the countryside, it is adjacent to an urban area and within reach of the Sittingbourne town centre, where there is a vast availability of all services. Balancing all considerations, it is considered that the site represents a suitable location for housing.

7.2.7. The site is not isolated as it adjoins a settlement on both ends of the site boundaries (south west and north east). Notwithstanding, as the site is located outside of any defined settlement boundary and, therefore, in the open countryside, Policy ST 3 of the Local Plan is applicable to the proposals.

7.2.8. Policy ST 3 states that at locations in the open countryside outside the defined built-up area boundaries, development will not be permitted unless *'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.'*

7.2.9. As the site is situated within the area of the Important Local Countryside Gap, policy DM 25 is also applicable. This policy aims to preserve the separation of settlements, thereby maintaining their character and unique settings. Policy DM 25 stipulates that within these gaps, *'planning permission will not be granted for the development that undermines one or more purposes of the countryside gap'*. The purposes of the gaps are to:-

- maintain the separate identities and character of settlements by preventing their merging;
- safeguard the open and undeveloped character of the areas;
- prevent encroachment and piecemeal erosion by built development or changes to the rural open character; and
- to influence decisions on the longer-term development of settlements through the preparation and review of Local Plans;

7.2.10. Notwithstanding the site's accessible location, the proposed development would result in partial expansion of settlements on either side and lead to their encroachment into countryside, contrary to two of the purposes of Policy DM 25 of the Local Plan 2017. Both settlements will maintain their individual characters, through the retention of open space and the use of different design approaches. The buffers at the front and open space in the middle will assist in retaining the open character of the area, albeit it will be reduced by half. By introducing the built form into these undeveloped areas, the proposal inevitably leads to the partial loss of the countryside gap and provides a level of urbanisation to the site, thus failing to preserve the countryside. As a result, a conflict with Policies DM 25 and ST 3 is identified.

7.2.11. Due to the Local Planning Authority's inability to demonstrate a 5-year housing land supply, the presumption in favour of sustainable development

applies. This means that Policies ST 3 and DM 25 are out of date, as confirmed by Planning Inspectors as part of recent appeals (the Swanstree Avenue and Ufton Court farm appeals, relating to the same gap). The level of harm has been reduced through revisions to the proposal, whereby the design has been amended and the overall scale of development reduced. This successfully retains separate identities of settlements by the provision of open space and different layouts within parcels A and B, as endorsed by the landscape assessment and the SBC Urban Design Officer comments. In the absence of a five year housing land supply, the conflict with Policies ST3 and DM25 will need to be balanced against the sustainable location of the site, and other relevant planning considerations at the end of the report.

7.3. *Loss of Agricultural Land*

7.3.1. Policy DM 31 of the Local Plan states that development on agricultural land will only be permitted where there is an overriding need that cannot be met within the built-up area boundaries. The policy states that development on the Best and Most Versatile (BMV) agricultural land will not be permitted unless three specific criteria are met.

7.3.2. Paragraph 187(b) of the NPPF requires planning decisions to recognise the economic and other benefits of BMV agricultural land.

7.3.3. The site is undeveloped land, classified as Grade 2 agricultural land and urban land, although it is currently used for grazing horses. The site covers approximately 3.2 ha of undeveloped land. Whilst the viability of any agricultural holding would not be impacted by the proposal (the site is not used for food growing), the potential for use as agricultural land will be lost. The site in question comprises a very small proportion of the overall BMV resource (0,02%) within the Borough, is an isolated parcel of land not linked to an agricultural holding and not used for food growing, but for equestrian use, so the conflict with Policy DM31 is attached very limited weight. This position aligns with the approach taken by the Planning Inspector during the Ufton Court Farm appeal, which is a significantly larger site.

7.4. *Size and Type of Housing*

7.4.1. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, based on demographic trends, market trends, and the needs of different groups, should be provided.

7.4.2. The Local Plan Policy CP3 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 that reflects the Strategic Housing Market Assessment (SHMA). Subsequent to the adoption of the Local Plan, the Council's Housing Market Assessment (HMA) was prepared

in 2020 (i.e., more recently than the Local Plan) after the introduction of the standard method for calculating the objectively assessed need. As such, officers have considered the proposed and indicative housing mix against that set out in the HMA:-

Tenure – HMA	1 Bed	2 Bed	3 Bed	4 Bed
Market Required	7%	33%	41%	19%
Market Proposed	0 (0%)	0	8 (36%)	15 (64%)
Affordable Required	27%	23%	30%	20%
Affordable Proposed	7 (47%)	5 (33%)	1 (7%)	2 (14%)

7.4.3. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be remembered that this reflects the Borough wide need.

7.4.4. In terms of private housing (market tenure), the proposal is indicated to deliver a greater proportion of 4-bed dwellings and fewer 3-bed houses. The mix of dwellings set out in the HMA and Policy CP3 is borough-wide, and for Borden, the supporting text to Local Plan Policy CP3 states that the objective is for the development of good quality family housing, for which the greatest local demand exists. Four-bedroom units, of which the majority of the dwellings are, would partially cater for this demand. The provision of four-bed units is substantial, but the tenure mix facilitates the delivery of a development that is able to respond to the more spacious character of Borden, with larger plots set in a lower density arrangement. As a result, it is considered that the mix is appropriate in this case. On the basis of the above, whilst not delivering a mix exactly in line with the HMA, it would contribute to the provision of a mix of housing requirements for different groups, in accordance with Policy CP3 of the Local Plan.

7.5. **Affordable Housing**

7.5.1. The NPPF sets out the requirement for setting appropriate, affordable housing levels for new development based on up-to-date evidence. Through Policy DM8, the Local Plan requires 10% of affordable housing from developments in Sittingbourne town and urban extensions, whereas it requires 40% from extensions to rural areas. Having analysed the viability evidence underpinning the Local Plan policies, together with the conclusions of appeal reached at Ufton Court Farm, the policy position is therefore to require:

- 40% of the affordable from Parcel A (Borden), equating to 8
- 10% of the affordable from Parcel B (Sittingbourne), equating to 2

7.5.2. In view of the above, the required provision of affordable housing would be 10, but the application proposes 15 dwellings as affordable, equating to 39.5% of dwellings being affordable. The following tenure type for affordable housing will be incorporated within the scheme:-

- 50% shared ownership
- 50% affordable rent

7.5.3. Upon receipt of additional evidence which has demonstrated that Registered Providers would not be able to provide affordable housing at a different tenure mix, the Council's Affordable Housing Officer is satisfied with this approach and considers the scheme acceptable.

7.5.4. The affordable house sizes and types offer some variety, with smaller houses alongside two larger houses, which are highly needed. All affordable house types will be required to comply with the National Described Space Standards and meet the requirements of Part M4(2) of the Building Regulations, which can be reasonably secured through safeguarding conditions.

7.5.5. In terms of the design, the policy requires the proposed affordable homes to be indistinguishable from the houses proposed in the private tenure. Whilst the division between affordable housing and market housing is apparent, in terms of density and also size of gardens and dwellings, this takes clues from the urban form in the settlement that the parcel adjoins. Furthermore, the cluster of affordable housing would be easier to manage from a management perspective; therefore, on balance, this is considered acceptable and in accordance with Policy DM8 of the Local Plan.

7.6. ***Heritage***

7.6.1. The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise, and this is endorsed by the Local Plan.

7.6.2. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale's designated heritage assets. The policy states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity.

7.6.3. Policy DM32 of the Local Plan relates to development involving listed buildings and states that development proposals affecting a listed building, or its setting will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

7.6.4. In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset. The site is near two listed buildings, therefore having the potential to impact their setting. The following heritage assets have been identified as being potentially impacted by the proposal:

- Grade II Riddles, located adjacent to Riddles Road and centrally between both parcels of development,
- Grade II listed Posiers, located approximately 104 metres away from the site.
- Borden Conservation Area;

7.6.5. The NPPF makes it clear that a heritage asset's setting is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to an asset's significance, may affect the ability to appreciate that significance, or may be neutral. Given the separation in character and distance to Borden – The Street Conservation Area and Borden - Hearts Delight Conservation Area, the proposal is not considered to form part of their setting and so has no harmful impact upon their character and appearance.

7.6.6. In the case of the Riddles Farmhouse, the application site, including both parcels of development, contributes to the setting of a listed building in a positive way by allowing for understanding of its historic position surrounded by former agricultural land. Currently, 'Riddles' can be experienced within a still somewhat rural setting due to the degree of separation the listed building benefits from the Sittingbourne and Borden settlements, which allows one to recognise its former functional relationship of the farmhouse to the landscape, albeit the former landscape character (that of an orchard) has been lost. The Posiers, located approximately 104 metres away from the site, is currently experienced within a more urban setting, having buildings on both sides of it; however, the proximity to open countryside and former historic ownership contributes to its former relationship.

7.6.7. The introduction of buildings within the application site leads to a level of impact that is harmful to its setting, as the setting would appear more urban in form and lead to a reduction of the gap between settlements. SBC Heritage identified less than substantial harm at a lower level arising from the proposed development, as the new dwellings would impose and detract from the wider views gained from Riddle Road of the listed building within the rural landscape.

- 7.6.8. Through design revisions, the scale of development was reduced, buildings moved away from the heritage asset and a level of landscaping was introduced that reinforces the historic relationship between the listed building and landscape orchards (fruit tree planting). Generous landscaping buffers will assist in integrating the proposed development within the surrounding area; however, the low level of less than substantial harm to the setting of Riddles and Posiers remains. The harm needs to be balanced against public benefits, as stipulated by the NPPF. In accordance with Paragraph 212 of the NPPF, great weight is placed on the conservation of designated heritage assets. Although at the lower level of less than substantial harm, considerable importance and weight is attached to this impact upon the setting of two listed building: Riddles and Posiers (at lesser degree of harm).
- 7.6.9. As set out at Paragraph 215 of the Framework, where there is less than substantial harm to designated heritage assets, this harm should be weighed against the public benefits of the proposal.
- 7.6.10. The public benefits arising from the scheme would include the delivery of housing development. As the site is of moderate size and does not depend on any significant infrastructure project, the houses can be delivered relatively quickly, thus meaningfully contributing to improved housing stock within the district and the Council's 5-year land supply. The positive contribution to the housing stock is afforded significant weight in favour of the scheme. Furthermore, this application proposes 15 affordable houses, which exceeds policy requirements by 5. This is attached substantial weight, due to the shortfall of affordable housing within the district and the significant need for affordable homes. There would be short-term benefits to the economy from the construction of the proposal and additional expenditure in the local area, but as this is a smaller development, moderate weight is attached to these benefits. There would be limited positive benefits arising from biodiversity enhancements and the provision of a play area.
- 7.6.11. In view of the above benefits identified, it is considered that the significant public benefits would outweigh the limited and low level of harm to the setting of Riddles and Posiers.
- 7.6.12. In considering the impact of this proposal upon designated heritage assets, officers have had regard to the duties off the Council pursuant to the Planning (Listed Buildings and Conservation Areas Act) 1990.

7.7. *Archaeology*

7.7.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

7.7.2. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ; however, where this is not justified, suitable mitigation must be achieved.

7.7.3. The application site is a greenfield area with some archaeological presence established in the surrounding area, including extensive and multi-period cropmark complexes, and Roman villa (to west of Borden Lane and at Wrens Road). Therefore, the potential for archaeological remains cannot be ruled out at this stage. Given this archaeological potential and potential for disturbance due to groundworks proposed, further archaeological evaluation is considered necessary, as recommended by KCC Archaeology.

7.7.4. Although there are limited archaeological remains known within the application site, given the wider background, there is potential for the development to impact archaeological remains. As recommended by KCC Archaeology Officer, the potential impact can be appropriately mitigated through further assessment, evaluation and, if necessary, mitigation to be secured via a safeguarding condition.

7.7.5. As such, subject to the imposition of safeguarding conditions, the proposed development would have an acceptable impact on the archaeology, in line with Policies DM34 of the Local Plan.

7.8. *Character and appearance and landscape impacts*

7.8.1. The National Planning Policy Framework attaches great importance to the design of the built environment, and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement through Policy CP4.

7.8.2. Policy DM14 of the Local Plan sets out general development criteria, requiring, amongst other elements, developments to be well-sited and the scale, design and appearance to be sympathetic and appropriate to the location.

7.8.3. Policy DM24 of the Local Plan states that the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed. For an undesignated landscape, which this site is, permission will be granted subject to:-

- The minimisation and mitigation of adverse landscape impacts; and
- When significant adverse impacts remain, the social and/or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.

7.8.4. Policy DM24 of the Local Plan reiterates that visual assessments should inform the scale, layout, and design, considering the Council's Urban Extension Capacity Study and Landscape Character and Biodiversity Appraisal SPD

7.8.5. The proposed development would be arranged in two parcels of development to appear as a continuation of settlement on each end, and with an open space in the middle. Through revisions (that were informed by the LVIA that was independently assessed), the following revisions to the scheme were proposed:-

- Reduce the scale of development by reducing the total number of residential units by seven to a total of 38,
- Provision of open space in perpetuity,
- Provision of orchard planting to reflect the historic context of the site,
- Leave the central parcel undeveloped and move buildings away from Riddles Road to retain the level of openness and provide views towards the south and countryside.
- Provide a generous buffer along Borden Lane, to reduce the prominence of buildings and reflect the character of development fronting the main road,
- Provide high-quality landscaping features, such as a landscaping maze and a walking route.

7.8.6. The site is not located within or adjacent to a designated landscape, but falls within the area designated as an Important Local Countryside Gap. The ILCG is a local spatial tool addressing settlement identity, not a landscape designation. The proposal has been supported by LVIA, which has undergone independent testing. The Council's Landscape and Biodiversity Appraisal SPD identifies the site as part of the Tunstall Farmlands, which is in moderate condition. Given the presence of adjacent housing, road infrastructure and other urbanising influences, the sensitivity of the landscape is low, and its importance stems from the physical separation it provides to both settlements of varied character: Borden and Sittingbourne.

7.8.7. The LVIA concludes that at the site level, there would be an evident change in character due to the proposed residential land uses and associated accesses. The proposed buildings in Parcel A would align with the existing building line of the residential properties in Borden and be consolidated between Riddles Granary and Riddles Road. The proposed development would remain physically separate from Sittingbourne via Riddles Road and Borden

Lane. In Parcel B, the proposed dwellings would feature a rectangular layout, reflecting the geometric patterns of layouts in Sittingbourne and responding to the local character, with the rest of the site remaining as accessible open space. The development includes additional orchard planting within Parcel B, reinstating the historic association between the listed building and the historic land use of orchards. The scale of the development also responds to the surrounding context, by providing two-storey dwellings that are adequately spaced and do not lead to overdevelopment or a cramped form of development.

7.8.8. The surrounding landscape is enclosed in most aspects, whether by existing buildings to the east or west or by high Leyland cypress to the south. The main and only longer-distance view of the open countryside is from Borden Lane across parcel A (adjacent to the urban area). This view would be retained as open through the introduction of open space centrally within the site.

7.8.9. Notwithstanding the visual reduction in the gap width, the landscape is already contained and of a localised nature. The proposed development would maintain the sense of Sittingbourne as being a distinct settlement from Borden, by retaining open space between the development in Parcels A and B, alongside the physical divide of Riddles Road. The visual impact upon the landscape is therefore minimised through the design approach.

7.8.10. The development on either end of the application site would be seen as a continuation of existing settlements, which already provide a level of containment. The scheme's layout follows sound design principles, such as following established building lines, providing active frontages to open space, introducing walking routes, spacious plots and keeping key vistas identified as undeveloped and free from development, as well as introducing landscaping features that draw on the historic context of the site. For these reasons, the development is well-designed and meets the expectations of high-quality development, as stipulated in Policies DM24, and landscape harm is minimised through design.

7.8.11. It is noted that one of the recommendations from SBC Urban Design Officer is that the double-hedge boundaries and materials samples are secured via safeguarding conditions. Officers agree that this will be required at a detailed condition stage. The current masterplan demonstrates that the quantum of development can be comfortably accommodated within the site.

7.8.12. To conclude, the broader visual and landscape impact would not be adverse and subject to safeguarding conditions, the proposed development is considered appropriate to its context and complies with Policies CP4, DM14 and DM24 of the Local Plan and NPPF.

7.9. **Ecology**

- 7.9.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.9.2. The application has been the subject of an Appropriate Assessment (AA) under the Habitats Regulations. The AA concluded that there is a potential risk of harm arising from increased recreational pressure. As such, an AA was prepared in consultation with Natural England, which concluded that these impacts can be mitigated through financial mitigation (SAMMS payment). The applicant agreed to pay this, and the mitigation will be secured in the s.106 agreement. The AA is adopted on this basis.
- 7.9.3. Section 40 of the Natural Environment and Rural Communities Act (2006) states *"For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England"* and *"A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective."* Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.' The NPPF 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.'
- 7.9.4. The Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts, and compensate where impacts cannot be mitigated.
- 7.9.5. The application site comprises grazing fields, where, during my site visits, horses were grazed. Given the greenfield nature of the site, there is potential for ecological habitats to be present within the site. This potential impact has been examined through the submitted Ecological Appraisal Report, which included a site survey and concluded that the impact upon birds, hedgehogs and badgers cannot be ruled out. Following the ecological appraisal of the site, there were no trees that offered potential habitat for bat roosts, and therefore, bat presence is unlikely. In any event, precautionary sensitive lighting scheme will be secured via safeguarding condition to minimise impact on habitats and protected species (bats).

7.9.6. During the public consultation, many representations raised concerns about the potential impact and disturbance arising from the development due to the proximity of the site to the Borden Nature Reserve (north), where badgers are present. The ecological appraisal reviewed this point, and during the survey, no badgers were recorded within the site. In the absence of badger presence and the presence of a road dividing the site from the Nature Reserve, the advice of ecologists is that tunnels from nearby setts are unlikely to extend into the site. Notwithstanding this, a precautionary mitigation has been incorporated into the scheme, in the form of:-

- Measures during construction to include all holes and excavations to be covered to prevent animals from being trapped or injured,
- A structure/plank to be placed in holes to enable animals to escape if above not feasible.

7.9.7. The precautionary mitigation is also proposed for hedgehogs and reptiles as the suitable hedgerow habitat is not affected by the proposed development and is off-site. Measures such as ecological enhancements will have a positive impact upon biodiversity and include:

- Native-species hedgerow planting along site boundaries, included in the Landscape Strategy, that will provide habitat for birds,
- Work to any vegetation outside of bird season,
- Tree planting (including fruit trees),
- Provision of suds feature with a permanent area of water to provide habitat suitable for amphibians and aquatic invertebrates;
- 3 log piles;
- 2 bat boxes;
- 2 bird boxes;

7.9.8. The above mitigation and quantity of surveys have been reviewed by KCC Ecology and considered adequate to understand potential impacts. KCC Ecology recommended that, should the development not commence within 18 months from the date of the survey, additional surveys shall be submitted to the Local Planning Authority for approval to ensure that all ecological impacts are fully understood and adequately mitigated before the development commences. This condition is reasonable given the proximity to Borden Nature Reserve and ensures that adequate mitigation is in place.

7.9.9. Turning to the potential increased recreational impact on Borden Nature Reserve, the application identifies that one of the routes that future occupiers could take to access the Borden village core would be through Borden Nature Reserve. As such, the Applicant agreed to a financial contribution of £60 per dwelling, which KCC Ecology agreed was necessary to improve management and maintenance of the reserve and mitigate additional recreational pressure.

7.9.10. It is also noted that the BNG details have not been updated, but KCC Ecology is satisfied that BNG can still be achieved as within the original calculation. This is because the built form has reduced through revision and more space was proposed for green buffers and planting. BNG will be therefore achieved through a mix of on-site and off-site mitigation.

7.9.11. Subject to safeguarding conditions that secure the above mitigation and the Landscape and Ecological Management Plan (LEMP), ecological enhancements and BNG gains (s.106), as required by KCC Ecology, the proposed development would not result in any harmful impact on ecology or protected species. In view of the above, subject to safeguarding conditions, it can be concluded that the proposed development would not result in biodiversity loss and is acceptable on ecological grounds, in line with Policies CP7 and DM28 of the Local Plan and paragraphs 180 and 186 of the NPPF.

7.10. Transport and Highways

7.10.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. 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, following mitigation, would be severe, taking into account all reasonable future scenarios”

7.10.2. Local Plan Policies CP2 and DM6 promote sustainable transport through utilising good design principles. Policy DM6 sets out that proposals will need to mitigate harm where highway capacity is exceeded and/ or safety standards are compromised.

Sustainability and access point

7.10.3. The application site is adjacent to an existing settlement on either end. To the east, it is adjacent to Sittingbourne Urban Area, which is ‘the main focus for development’ within the adopted Local Plan and which is approximately 1.5 km from Sittingbourne Town Centre. To the west, the site adjoins the Borden settlement, a Tier 5 settlement that exhibits more sustainable characteristics, within which policy supports infill development within built-up areas.

7.10.4. The nearest railway stations to the site are 1.9 km to the north-east of the site (in Sittingbourne). The bus services, whilst it appears to have been reduced, bus infrastructure is within a short walking distance (Adelaide Drive)

or a more frequent service is located on A2 (approximately 1 km away). There are no designated cycle routes within close proximity of the site. The surrounding settlements offer a good level of day-to-day facilities available to future occupiers, with majority of services available in Sittingbourne, such as a primary school (Westlands Primary School), open spaces, nurseries, a convenience store (Premier), a public house and some GP services and healthcare facilities in the town centre. Additionally, the site's frontage features an established footpath, providing connectivity to the surrounding area. For these reasons, the site's location offers good connectivity to two settlements – Borden (also via a public right of way through the Borden Nature Reserve) and the Sittingbourne Urban Area - and is sustainably situated.

7.10.5. It is noted that SBC Active Travel recommended widening the footway along Borden Lane. This is not something that KCC Highways identified as necessary, given that a footway is already in place. Notwithstanding, this stretch of Borden Lane is subject to significant highway improvement works, including the construction of a roundabout and road realignment. As part of this work, indicative drawings were submitted that show substantially more land between the footway and the edge of the road. Consequently, the road layout, along with the footway, will be redesigned and brought up to a modern standard to facilitate the movement of people. As such, it is considered that it would be superfluous to require any temporary work to take place, where there is an arrangement already in place for this part of the road to be redesigned.

7.10.6. The application site is separated by Riddles Road in the middle, measuring approximately 5m in width and being subject to 30mph speed restriction. This road is rural in nature and provides access to allotments, grazing paddocks and Riddles Cottage. It joins Borden Lane in the form of a T-junction. Borden Lane is a 30 mph road with a width of 7 metres, which abuts the application site to the north west.

7.10.7. Each parcel of development would be served by a separate access point, each in the form of a priority junction off Borden Lane, which have been designed in accordance with the applicable Manual for Streets and Kent Design Guide standards. Vehicular access to Parcel A will have the visibility splays provided would amount to 2.4 x 94m to the south-west and 2.4 x 96m to the north-east of the access, as informed by the speed survey carried out.

7.10.8. The vehicular access to Parcel A will have a carriageway width of 5.5m. It will incorporate an uncontrolled pedestrian crossing, equipped with dropped kerbs and tactile paving, to maintain pedestrian movement along the site frontage. A pedestrian link will be established between the two parcels to facilitate pedestrian connections and promote sustainability.

7.10.9. Vehicular and pedestrian access to Parcel B will be provided through a vehicle crossover to a shared private drive from Borden Lane. This access will comprise of a 4.8m wide shared surface and will be provided with visibility

splays of 2.4 x 43m to the north-east and south-west, in compliance with the Manual for Streets 2 guidance for a 30mph design speed.

7.10.10. The above access arrangements were considered safe and adequate by KCC Highways. The access point will be required to be delivered prior to the development commencing, as recommended by KCC Highways.

7.10.11. Considering the relationship between both access points and the proposed improvement to Borden Lane as part of the s.278 works for Wises Lane development, the detailed s.278 package is currently not publicly available. During the consultation process, many residents raised concern relating to the new road improvements and possible conflict. Officers are satisfied that the submitted drawings do show indicative position of road realignment. The indicative drawings show that the proposed access points will be sufficiently separated from the proposed roundabout, as confirmed by KCC Highways. Any s.278 approval process will need to take into consideration any planned or committed development and associated works, should the Committee agree to the recommendation. As such, it is considered that sufficient control mechanisms exist to ensure no conflict between the proposed access point and secured improvements to Borden Lane.

7.10.12. It is noted that Riddles Road is to be stopped up at its eastern junction with Minterne Avenue and College Road as part of the recently consented residential development at Land at Ufton Court Farm, Tunstall (Planning Application Reference: 22/505646/OUT). There is no direct vehicular access required from Riddles Road to serve any proposed dwellings; as such, there is no conflict arising.

7.10.13. To encourage a move to sustainable travel, the Applicant has prepared a Travel Plan (forming part of the Transport Statement), which states that the following measures are proposed:-

- Safe, covered cycle parking to be included,
- A taster ticket purchase for each dwelling upon its first occupation;

7.10.14. A detailed Travel Plan will be secured via a condition, and travel tickets will be secured via a s.106 agreement. On this basis, the proposed development is considered to comply with Policies CP2 and CP6 of the Local Plan 2017.

Traffic, road capacity and highway improvements

7.10.15. The application is accompanied by a Transport Statement which confirms that the trips generated because of this application would be modest and of negligible impact on the local highway network. This has been accepted by KCC Highways as accurate. KCC Highways is satisfied that the proposal would not increase traffic in an unacceptable way, and National Highways commented that the increase in traffic would be immaterial to the strategic road

network (A249), given the limited scale. Consequently, the proposed development is considered to have an acceptable impact on traffic and would not take the surrounding highway network beyond its capacity.

- 7.10.16. In terms of traffic and impacts on the surrounding road network, the proposed development, based on modelling, is shown to have some level of impact on the A249/A2 Key Street Interchange, estimated to be no more than 10 additional movements. Given this increase in traffic and cumulative impacts, it is therefore justified and necessary for this development to contribute to the improvements of that junction. KCC Highways requested a £38,922.24 contribution towards an improvement to that junction, payable prior to the occupation of any dwelling. The planning obligation has been accepted by the Applicant and will be secured via s. 106 agreement.

Parking provision

- 7.10.17. The application confirms that the proposal is to deliver parking in line with the Council's adopted parking standards. This would amount to 85 parking spaces and 8 visitor parking spaces, based on the proposed housing mix. KCC Highways and Officers are satisfied that there is sufficient parking provided for the development, but in KCC's most recent response, a recommendation was made to provide an additional 0.5 visitor's parking space per dwelling with tandem parking. The request was noted, but there is an adopted parking standard in Swale that requires 0.2 visitor parking spaces per dwelling, and the application is meeting this requirement. The temporary parking during construction will be managed through the Construction Management Plan, secured via a condition. Subject to safeguarding conditions requiring parking and cycle parking, which are set out below, the proposal is considered to be in line with KCC Highway requests and Local Plan requirements.

Conclusion

- 7.10.18. Consequently, subject to the financial mitigation towards highways improvement works, together with safeguarding conditions requiring a Construction Management Plan, provision of access prior to any occupation taking place, provision of parking and cycle parking, and provision of footways and carriageways prior to occupation, the KCC Highways raised no objection to the application and considered the proposal to be acceptable on traffic increase and highways matters and therefore, the proposed development would have an acceptable impact on highways safety and amenity and comply with Policies CP2 and DM6 of the Local Plan 7 and the NPPF.

7.11. Air Quality

- 7.11.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been

introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

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

7.11.3. The Planning Practice Guidance on Air Quality states that

“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”.

7.11.4. The Local Plan at Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location, design, and access to development and demonstrate that proposals do not worsen air quality to an unacceptable degree.

7.11.5. The proposed development is a major development and has been accompanied by Emission Mitigation Assessment. Given the proposal will generate vehicle movements below relevant criteria for Air Quality Assessment for developments outside of the AQMA, the submitted Emission Mitigation Statement is adequate. The total identified damage cost is £9,079. The following mitigation measures are proposed:

- Provision of new walking route around the site
- A Welcome Pack will be provided to all residents, which will include the provision of bus timetables, maps of local facilities, travel vouchers and information on car-sharing initiatives (as included in Travel Plan);
- Provision of cycle storage facilities;
- Provision of green infrastructure/planting, which would include specific species to help filter traffic pollution.
- Air Source Heat Pumps/EV charging (required by other policies).

7.11.6. Whilst some of the aforementioned measures are required to be delivered by different policies, it is considered that other measures would be sufficient to mitigate the impacts identified and exceed the calculated damage costs. Furthermore, Mid Kent Environmental Health has reviewed the submission and concluded that there are no adverse impacts on air quality, either alone or in combination and is satisfied with the mitigation proposed.

7.11.7. It is noted that EV charging points will be delivered through building regulations requirements and this complies with the requirements of standard mitigation measures, as set out in Swale Air Quality Guidance. Subject to safeguarding conditions, the proposed development is considered acceptable and would not worsen air quality, which is in line with requirements of Policy DM6 of the Swale Local Plan and NPPF.

7.12. Open Space

7.12.1. 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. This space should be fully accessible all year round.

7.12.2. This application site is a little in excess of 3 ha of grazing land. Approximately 1 ha of it, located centrally between both parcels of development, will be retained as undeveloped open space, providing for an orchard (tree planting), as well as walking routes and landscaping features such as a hedgerow maze and timber trails. Whilst not all typologies are proposed within this site, given the small size of the site, the open space provision can be managed through off-site financial contributions as supported through the Open Space Strategy.

7.12.3. The application proposes on-site usable open space and an informal play area with natural play equipment (minimum of timber trail and landscaped maze). In addition, on-site walking routes are proposed and some landscape strips and biodiversity areas. However, due to limited total site area, the on-site sports play facilities would not be feasible. For this reason, the Applicant has been requested to provide financial contributions to mitigate the pressure arising from this application and contribute towards off-site improvements to sports facilities, particularly prioritising improvements to the condition and capacity of existing facilities at The Playstool, Borden, as requested by Greenspace Officers and Borden Parish Council which is in proximity to the proposed development. However, a formal sports contribution is considered justified to improve the condition and capacity of existing facilities and meet the demand of the new population. The open space financial contribution request is therefore considered CIL compliant, and in accordance with the open space strategy, the following amount was requested:-

- Contribution of £713.17 per dwelling towards increasing the capacity of formal sports facilities at The Playstool, Borden.

7.12.4. The Applicant has agreed to pay the requested mitigation in full, with the first 50% payable prior to the first occupation within the development and a

reminder of the mitigation payable upon occupation of the 12th house. This will be secured in s.106. A safeguarding condition will be imposed to ensure that details of play equipment are submitted to the Council for approval, to ensure a high-quality place is created with an appropriate amount of equipment.

- 7.12.5. In view of the off-site mitigation towards open space improvements, the development is considered to mitigate its pressure and comply with Policy DM17 of the Swale Local Plan and NPPF.

7.13. Community Infrastructure

- 7.13.1. 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.

- 7.13.2. 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

- 7.13.3. Kent County Council, in its capacity, has identified that the proposed development will generate additional pressure on existing community facilities, including schools. The following mitigation has been requested:-

Type of infrastructure	Cost	Project
Primary Education	£208,895.40	Towards a new Primary school in Southwest Sittingbourne (Local Plan Policy MU3) and/or increased capacity in the Sittingbourne
Secondary Education	£164,822.11	Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and

		Sittingbourne & Sheppey selective planning groups
Special Education Needs & Disabilities (SEND)	£16,514.99	SEND contribution to be applied towards additional places in the Swale district.
Community Learning and Skills (Adults)	£1,060.51	Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.
Integrated Children's Services	£2,295.55	Contributions requested 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.
Libraries, Registrations and Archives Service	£1,941.53	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne Library.
Adult Social Care	£5,607.28	Towards Specialist Housing Provision in the district, adaptation of community facilities, technology to promote independence, multi sensory facilities and changing place facilities in the vicinity of the development.
Waste	£6,018.03	Towards additional capacity at Sittingbourne HWRC & WTS.
All homes to be built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		

All to be index-linked by the All-In Tender Price Index from Q1 2022 to the date of payment.

- 7.13.4. The application has been assessed in accordance with the KCC Development Contributions Guide, and inevitably, given the increased population as a result of additional dwellings, the proposed development will put pressure on existing community facilities. The above contributions and identified projects are considered to be CIL-compliant and are necessary to make the development acceptable in planning terms to provide sufficient community infrastructure to serve additional populations. The applicant has agreed to pay those contributions in total and agreed to trigger points identified above.
- 7.13.5. In terms of the impact upon healthcare, the proposal will generate new patient registrations in general practice, which need to be mitigated. The financial contributions, as identified by NHS, will allow that additional growth to be accommodated and mitigate the pressure arising from the proposed development. The Applicant has agreed to secure contributions in a s.106 agreement and the necessary triggers are considered to be 50% prior to the 1st occupation with the outstanding amount prior to occupation of the 12th dwelling.
- 7.13.6. Subject to all necessary contributions being secured in s.106 agreement, the proposed development would mitigate its pressure upon existing services and is in accordance with Policies CP5 and CP6 of the Local Plan and NPPF.

7.14. Flood Risk, Drainage and Surface Water

- 7.14.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM 21 of the Local Plan.
- 7.14.2. Part 4 of Local Plan Policy DM21 states that development should include where possible, sustainable drainage systems (SuDS) to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling.
- 7.14.3. The application site is in Flood Zone 1 and at low risk of flooding from the sea, as well as within Source Protection Zone 1. In terms of the drainage strategy for surface water disposal, this is based on the principle of providing attenuation for surface water runoff from both parcels within the site to an attenuation basin located within Parcel A. This option has been utilised as it maximises potential for preventing pollution into the Source Protection Zone and has been accepted by the Environment Agency, subject to detailed design.

The drainage layout indicates that a new basin is to be constructed to the south, and there is sufficient space on-site to accommodate the required drainage strategy, the proposed development, and the level of accessible open space.

- 7.14.4. This drainage strategy has been endorsed by KCC LLFA and no objections were raised, subject to further infiltration testing and detailed design being secured via safeguarding conditions. The delivery of connection point between two parcels will be dealt through separate legislation but KCC raised no objections to this matter. The maintenance and management schedule will be secured via safeguarding conditions.
- 7.14.5. The proposed foul water would be disposed of by connecting to the Southern Water foul water network. Comments were raised during the public consultation, raising concerns over inadequate foul sewage capacity. Southern Water commented on the application and confirmed that network reinforcements will be required to provide additional capacity. Southern Water is required to provide adequate capacity via separate legislation and did not object to the proposals. It is noted that the above arrangement will require an application under Section 106 of the Water Industry Act to Southern Water in order to provide capacity and this matter is dealt with via separate legislation which sits outside of the planning process.
- 7.14.6. In view of the above and subject to safeguarding conditions requiring detailed design of the drainage strategy for this site and a verification report, the proposed development will not increase the risk of flooding within or outside of the site and complies with Policy DM21 of the Local Plan and NPPF.

7.15. Contamination

- 7.15.1. The NPPF states that local planning authorities should ensure that the site is suitable for its new use by taking into account various matters, including pollution arising from previous uses.
- 7.15.2. The site is grazing land, and the application was accompanied by a Land Contamination Assessment. This confirms that the risk of contamination on-site is low and no remediation is necessary; however, a watching brief is recommended should any contaminant deposits be found. The Mid Kent Environmental Health Team raised no objections to the proposed development. Subject to safeguarding conditions requiring a watching brief, the risk of contamination can be safely managed, and the development will comply with paragraph 196 of the NPPF.

7.16. Living Conditions

Existing residents

- 7.16.1. Policy DM14 of the Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.16.2. The application is surrounded by countryside to the north and south (allotments). The eastern flank of the site neighbours a two-storey dwelling at 189 Borden Lane, whereas to the west, it adjoins 195 Borden Lane, also a two-storey detached property set within a linear, elongated plot. Both properties currently enjoy views of open countryside, free from developed forms. Whilst loss of view is not a material planning consideration, a thorough assessment is needed to determine the level of impact on their living conditions, particularly relating to overbearing, overshadowing, enclosing, and overlooking/loss of privacy effects.
- 7.16.3. Particular concern raised during the consultation period was the potential level of overlooking between plots 4 and 5 and 195 Borden Lane. Whilst the proposed development would introduce a new building with its windows facing at a sharp angle towards the neighbouring properties, the distance between the private patio area and the proposed plot exceeds 21 metres. The revised layout has also incorporated additional landscaping and a garage at the boundary between the proposed and existing, as such limiting the perception of overlooking. The first-floor flank window of plot 1 serves non-habitable room and will be made fixed-glazed and obscured in accordance with planning conditions. Given the above, no adverse or significant overlooking or loss of privacy would result from the proposed development.
- 7.16.4. Turning to the overshadowing impacts arising from 195 Borden Lane, there may be a small area of shade thrown as part of the proposed plots 4 and 5, but these would be to central/rear areas of extensive gardens and insignificant when compared to the scale of the overall garden, ensuring their standard of living would be preserved.
- 7.16.5. Further, the first-floor flank window of the neighbouring property serves as a bedroom (habitable) and is the only window to that room. Whilst the window currently benefits from the view towards fields, the loss of view is not a material planning consideration. The proposed dwelling is separated from the existing house by more than 10 metres, providing sufficient space to allow daylight and sunlight to penetrate the habitable area. Due to the appropriate separation distance, no adverse enclosing effects would arise. It is noted that the proposed detached garage would be located closer to the existing dwelling; however, given its single-storey form, no adverse effects are expected to result.
- 7.16.6. Focusing on the impact on residential properties along the eastern edge of the site, 189 Borden Lane has two flank windows (ground and first-floor) facing towards the application site. Whilst the proposed plots 21/22 would be separated from this dwelling by approximately 12 metres, the proposed plots have no window facing that neighbour direction, therefore

resulting in no adverse overlooking or loss of privacy. Due to the separation distance between proposed plots 34-38 and the separation together with the angle of plots 26-29, there would be no direct and adverse overlooking resulting from this site.

- 7.16.7. For the reasons specified above, Officers are of the view that the proposed development is acceptable and would not result in any adverse overlooking, overbearing, loss of privacy, overshadowing or enclosing effects to neighbouring property occupiers. It is also noted that some concerns were raised relating to details of the boundary with existing properties. The Boundary Treatment Plan has been submitted and it is noted that there are existing boundaries in place that will remain (not in the Applicant's ownership) and in addition, landscaping features will be provided alongside them.
- 7.16.8. Turning to the noise impacts, the Noise Assessment confirmed that future occupiers will not be adversely affected by noise impacts. Equally, it demonstrated that the introduction of shared driveway access along the boundary of existing property would not increase noise levels to unacceptable or significant levels. Any additional noise level impacts would be mainly associated with construction and temporary in nature. This will be managed by the CEMP and secured via safeguarding conditions.

Future residents

- 7.16.9. Policy DM14 of the Local Plan provides general development criteria and requires that development does not result in significant harm to amenity (including that of future occupiers of development).
- 7.16.10. 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.
- 7.16.11. The details submitted in support of the application demonstrate that all dwellings will adhere to the National Minimum Space Standard. Turning to the issue of overlooking and privacy, the proposed dwellings are shown to be separated at an appropriate distance, avoiding unacceptable overlooking and loss of privacy.
- 7.16.12. Some concerns raised an issue of plots 5-8 being overshadowed, as also raised by SBC Tree Officer. Sun on Ground assessment has been prepared and submitted by the Applicant in response, which confirms that during summer months, all plots will have access to sunlight in line with British Standard requirements (excess of two hours a day within 50% of garden area). During winter months, plot 6 would have access to sun within 35% area of the garden plot, thus falling short of the standard. Notwithstanding, given the considerable size of the amenity space, there would be enough sunlight to provide future occupiers with a choice and access to sun. It is therefore considered that the living condition would not be adverse for the future occupiers and this on its own would not warrant refusal.

7.16.13. In conclusion, in relation to living conditions of existing and future residents the application complies with Local Plan Policy DM14.

7.17. Sustainability / Energy

7.17.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. Additionally, in 2020, Swale Borough Council adopted a Climate and Ecological Emergency Action Plan, which encourages housing development to reduce carbon emissions by 50% compared to the Building Regulations Part L1 2013. Recent appeal decisions provided clarity that safeguarding planning conditions requiring 50% improvements over building regulations go beyond the requirements of Policy DM19 of the Local Plan and do not meet the tests of reasonableness or necessity.

7.17.2. This planning application has been submitted with the Energy and Sustainability Statement (September 2024), which outlines the proposed development's ambition to deliver sustainable development that specifically responds to Local Plan Policies SP1, DM19 and DM21 as well as to the Climate and Ecological Emergency Declaration by Swale Borough Council in June 2019, by achieving 65% improvement over 2021 Building Regulations requirements, relating to CO2 emissions. This would be achieved by the following measures:-

- Building high-quality development thermally efficient dwellings that exceeds building regulations requirements,
- Provision of Air Source Heat Pumps to each house,
- Integrating green and blue infrastructure into the development,
- Provision of EV charging points (active and passive),
- Preparation and monitoring of a Travel Plan,
- Water consumption limit of 110 l/day per person.

7.17.3. The above measures are sufficient to ensure policy compliance and a high standard of development. To ensure high-quality development is delivered on the ground, a compliance condition is to install carbon reduction measures. Subject to safeguarding conditions, the proposed development includes adequate measures to address climate change and complies with Local Plan Policies DM19 and DM21.

7.18. Other matters

7.18.1. Comments received in respect of loss of a view of fields/countryside/open landscape are not a planning consideration when determining the planning application.

7.18.2. Concerns were raised that LPA has a duty of care to local residents. The application has been determined in accordance with legislation and in the

context of planning policies applicable and all other relevant material considerations.

- 7.18.3. Concerns were raised that the proposal would impact the peaceful qualities of allotments. The proposed houses are sufficiently separated to ensure no conflict between both uses arises.

7.19. Conclusion and Planning Balance

- 7.19.1. The application site is located in the open countryside and not in a location, where the adopted spatial strategy of the Swale Local Plan aims to steer development through Policy ST3. The above appraisal concluded that the proposed development would conflict with Policy ST3(5) due to inevitable loss of undeveloped land that contributes to separation of settlements. Inevitably, the introduction of buildings and associated development would lead to reduction and erosion of the gap between Borden and Sittingbourne and the Important Local Countryside Gap shrinking as a result, thus conflicting with one purpose of the policy and thus a conflict with Policy DM25. In addition, a conflict with Policy DM31 is identified, due to the loss of Grade 2 agricultural land. Consequently, it is considered that the proposed development does not accord with theses Policies of the Local Plan. The question therefore arises whether there are material considerations that would allow decision contrary to the adopted Local Plan.

- 7.19.2. The NPPF is a material consideration to which significant weight is attached and in the current circumstances where as Swale Borough Council is unable to demonstrate 5 year housing land supply, presumption in favour of sustainable development applies (paragraph 11). In line with footnote 7 of paragraph 11(d)(i) of the Framework, the less than substantial harm to the setting of Riddles and Posiers was identified and this was weighed against the public benefits of the proposal as required by NPPF. The public benefits identified in the heritage section above decisively outweigh this less than substantial harm at lower level. Accordingly, there are no policies in the Framework of relevance to this appeal that protect areas or assets of particular importance that provide a clear reason for refusal, and the so called 'tilted' balance of paragraph 11(d)(ii) of the Framework is engaged. This means approving development unless there any adverse impacts of doing so would significantly outweigh the benefits, 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. It also means the most important policies for determining the application are out of date.

- 7.19.3. Given the above material consideration, the resulting conflict with Policies ST3, DM31 and DM25 is afforded limited weight.

7.19.4. Turning on the benefits of the scheme, the scheme adheres to good design principles and has been modified to incorporate a generous parcel of usable, open space centrally, allowing for a level of separation and retention of longer-distance views towards the countryside, thereby ensuring that no adverse harm results to the landscape. The scheme responds to the density and character of each settlement, and so it can be considered to represent good design, in line with Policies DM14 and DM24 of the Local Plan.

7.19.5. Equally, the scheme offers limited heritage benefits, such as the introduction of orchard planting to surround the immediate setting of the listed building, thereby reinforcing its original character and setting. The orchard planting on its own would not be sufficient to outweigh the harm arising from the scheme, in the context of paragraph 215. However, the development would also deliver housing, for which there is a significant need within the district. Moreover, the scheme delivers 15 affordable homes, which is 5 units above the policy requirements, thus resulting in significant benefits to provide housing to people in greatest need. This attracts substantial weight. There are also economic benefits, such as expenditure in the construction trade and business and from future occupiers which are afforded moderate weight in the context of the scheme. There are also limited benefits arising from creation of accessible open space, informal play area and biodiversity enhancements.

7.19.6. Drawing together the above harms and benefits, the adverse effects of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. Although the proposal would conflict with the development plan, material considerations indicate a decision other than in accordance with it. Consequently, it is recommended to grant planning permission subject to safeguarding conditions and s.106 agreement securing all planning obligations as set out in the report.

CONDITIONS

CONDITIONS

Time Limit

1. 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.

Approved Plans

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

- Landscape Masterplan, 6444-LLB-XX-XX-DR-L-0001 rev. P07,
- Proposed Site Plan (Colour), ref. 051_100 rev. P4,
- Proposed Site – Road Adoption drawing, 051_508 ref. P4,
- Proposed Fire Access Plan, ref. 051_506 rev. P4,
- Affordable Housing Plan, ref. 05_505, rev. P4,
- Dwelling Size Distribution Plan (Housing Mix), ref. 051_504, rev. P4,
- Proposed Refuse Collection Plan, 051_503m rev. P4,
- Proposed Boundary Treatment Plan, 051_502, rev. P4,
- Proposed Parking Allocation Plan, 051_501, rev. P4,
- Proposed Air Source Heat Pump Plan, 051_500, rev. P4,
- Proposed Plot 04, 051_203, rev. P3,
- Proposed Plot 01, 051_200, rev. P4,
- Proposed Plot 02, 051_201, rev. P2,
- Proposed Plot 03, 051_202, rev. P2,
- Proposed Plot 05, 051_204, rev. P2,
- Proposed Plot 06, 051_205, rev. P2,
- Proposed Plot 07, 051_206, rev. P2,
- Proposed Plot 08, 051_207, rev. P2,
- Proposed Plot 09, 051_208, rev. P2,
- Proposed Plot 10, 051_209, rev. P2,
- Proposed Plot 11, 051_210, rev. P2,
- Proposed Plot 12, 051_211, rev. P2,
- Proposed Plot 13, 051_212, rev. P2,
- Proposed Plot 14/15, 051_213, rev. P2,
- Proposed Plot 16, 051_214, rev. P2,
- Proposed Plot 17, 051_215, rev. P2,
- Proposed Plot 18, 051_216, rev. P2,
- Proposed Plot 19, 051_217, rev. P2,
- Proposed Plot 20, 051_218, rev. P2,
- Proposed Plot 21/22, 051_219, rev. P2,
- Proposed Plot 23/24/25, 051_220, rev. P2
- Proposed Plot 26/27, 051_221, rev. P2
- Proposed Plot 28/29, 051_222, rev. P2
- Proposed Plot 30/31/32/33, 051_223, rev. P2
- Proposed Plot 34/35, 051_224, rev. P2
- Proposed Plot 36/37/38, 051_225, rev. P2
- Biodiversity Net Gain Assessment: Design Stage, August 2024, Native Ecology

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

Landscaping

3. No development above floor slab level 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 existing trees, shrubs and other features, planting schedules of plants, noting species (which shall include be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

The landscaping scheme shall be based on the Landscape Scheme Landscape Masterplan, 6444-LLB-XX-XX-DR-L-0001 rev. P07 and in particular include:-

- Landscaped maze,
- Details of measures incorporated to ensure the green area will be retained as green space in perpetuity,
- Natural timber trail features and informal play features to be provided within the site,
- Orchard tree planting,
- Visible boundaries shall have double-hedge planting (in accordance with the details shown on Boundary Treatment Plan, 051_502, rev. P4),
- Landscaping features will be planted along existing boundaries.

Reason: In the interests of the visual amenities of the area, to protect the setting of heritage assets and encourage wildlife and biodiversity.

4. No development above floor slab level shall take place until a timetable for the delivery of the open space, including the informal play area with equipment has been submitted and approved in writing by the Local Planning Authority. The open space shall be provided in accordance with the agreed timetable and the timetable of implementation shall ensure provision of open space to meet demand from development in timely manner.

Reason: In the interest of future occupiers and to provide facilities necessary to mitigate pressure of new development on existing infrastructure.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

7. The development hereby approved shall be implemented in accordance with measures set out in Arboricultural Implications Assessment, Broad Oak Tree Consultants Limited, August 2024, in particular with respect tree protection fence.

Reason: To protect features that provide visual interest.

Details of Materials

8. No development above floor slab level shall commence until full details of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The proposed materials shall match those indicated on proposed elevations and as described in Design and Access Statement, submitted on 31st January 2025, unless otherwise agreed with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to further secure good design and a satisfactory appearance.

Archaeology

9. To assess and mitigate the impacts of development on significant archaeological remains:
 - a) Prior to any development works 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 for written approval in writing the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

1. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development.
 2. 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.
 3. 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.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

Water Consumption

10. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for that 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.

Accessible and Adaptable Dwellings

11. At least one of the affordable units hereby permitted shall be built to M4(3) of building regulations standards, and all of the remaining affordable units will be built to M4(2) of building regulations standards.

Reason: In order to secure accessible and adaptable dwellings.

Energy/Sustainability

12. The measures to be used to increase energy efficiency, thermal performance and carbon emissions reductions, as set out in the Energy and Sustainability Statement, Stroma, 22/08/2024, shall be fully implemented within each dwelling prior to its first occupation taking place.

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

Air Quality

13. The development shall deliver and install the costed and hereby approved on-site air quality mitigation as detailed in 'Emissions Mitigation Assessment',

ref. 8474r3 dated 24th January 2025 by Redmore Environmental prior to occupation of each of the dwellings.

A verification report shall be submitted to the Local Planning Authority within 1 month of the last occupation within the site to demonstrate that approved measures have been installed in full, and approved in writing by the Local Planning Authority.

Reason: To ensure that the localised air quality impact is appropriately mitigated as a result of the proposed development.

Ecology

14. Prior to and during construction, the ecological mitigation within Ecological Impact Assessment (Native Ecology; August 2024) must be implemented as detailed. If works do not commence within 18 months of the date of the report, a review and, if necessary, an update of the ecological impact assessment must be submitted to the LPA for written approval. The updated Ecological Impact Assessment, together with any associated mitigation, must be implemented as approved.

Reason: In the interest of the ecology.

15. Within 6 months of works commencing within the site an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The plan must be implemented as approved.

Reason: To enhance biodiversity within the site.

16. With the submission of the biodiversity gain plan, habitat management and monitoring plan must be submitted to the LPA for written approval. It must include the following:
- Habitat map of the site to be managed
 - Aims and objectives of the management plan
 - Overview of the management to be implemented
 - Timetable to implement the management – it must be capable of being a 5 year rolling plan
 - Details of management plan reviews
 - Details of monitoring
 - Details of who will implement the works
- The plan must be implemented as approved.

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

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the completion of site access works of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, including ecological and habitat areas and
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for the implementation of the plan;
- h) Monitoring measures to demonstrate that the aims and objectives of management are being achieved, including:
 - Identification of adequate baseline conditions prior to the start of development;
 - Methods for data gathering and analysis;
 - Location of monitoring and timing and frequency of monitoring;
 - Responsible persons and lines of communication.
- i) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ensuring positive management of habitat created to maintain their conservation value.

18. No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority.

This scheme shall be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' and shall include:

- Site plan showing the location and types of lighting
- Light spill plan showing both horizontal and vertical light spill
- Details of any dimming regime to be implemented.

The lighting scheme shall incorporate low-level lighting along pedestrian routes and be installed, maintained, and operated in accordance with the approved scheme.

Reason: In the interests of protected species, visual and neighbouring amenity.

Drainage

19. Development shall not begin on either parcel until a detailed sustainable surface water drainage scheme for that parcel 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 dated 21st August 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 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.

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.

20. No building hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system which serves that unit, and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification 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 175 of the National Planning Policy Framework.

21. Prior to the first occupation of the development hereby approved, a Drainage Maintenance and Management Schedule shall be prepared and submitted to and approved in writing by the Local Planning Authority, which provides the following details:

- Specify the responsibilities in perpetuity of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

The management and maintenance plan shall be implemented in line with details approved.

Reason: To prevent flooding.

Hours of Construction Activity

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

Monday to Friday 0730 – 1900 hours,
Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Contaminated Land

23. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Water.

Highways

24. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to the Local Planning Authority. The Travel Plan shall be approved in writing by the Local Planning Authority. It 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 support sustainable development.

25. No development shall commence unless and until the Construction Management Plan is submitted to and approved in writing by LPA and which includes:
- a) Construction phasing
 - b) Routing of construction and delivery vehicles
 - c) The parking and turning areas for vehicles of site operatives and visitors
 - d) Loading and unloading of plant and materials
 - e) Timing of deliveries
 - f) Recording the condition of the immediate local highway prior to commencement, and measures to make good any damage attributed to construction traffic
 - g) Wheel washing facilities
 - h) Temporary traffic management / signage.
 - i) Permitted construction traffic arrival and departure times
 - j) Management of loose loads
 - k) Any requirements for temporary construction access

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The CEMP shall also include Construction Method Statement that shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: To mitigate any adverse impact on development on the A249 and in the interests of interests of the amenities of the area and highway safety, in accordance with DfT Circular 01/2022 and section 10 of the Highways Act 1980, Local Plan and NPPF.

26. No dwelling shall be occupied until cycle parking, vehicle parking and turning space for that dwelling has been provided and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning

(General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

27. Prior to the occupation of any dwelling the following works between the dwelling and the adopted highway shall be provided:

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 to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development is accessible and safe for future occupiers.

Access

Two access points off Borden Lane hereby approved shall be completed – with the exception of the upper most surfacing - as shown on plans prior to the use of the site commencing. Prior to the first occupation of the site, the access shall be completed with the final surface layer being provided in full. The access shall be maintained and retained thereafter.

Reason: To ensure highways safety.

Cycle storage

28. No dwelling shall be occupied until covered, secured cycle parking facilities have been constructed and space has been laid out for cycles to be securely sheltered and stored for that dwelling within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling.

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.

Obscure Glazing

- 29., Prior to the occupation of Plot 1 the proposed first-floor flank windows serving en-suite room to Plot 1, shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be

incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

30. Prior to the occupation of Plot 4, the proposed first-floor windows serving dressing room and en-suite to Plot 4, shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high-level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

