

2.2 REFERENCE NO - 25/500761/FULL		
PROPOSAL - Erection of 90 no. residential dwellings, together with associated access, open space, landscaping, drainage, infrastructure works and earthworks, and the provision of car parking spaces for existing residents.		
SITE LOCATION - Land West Of Church Lane, Newington, Kent		
RECOMMENDATION - Delegate to the Head of Planning to grant planning permission subject to appropriate conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be necessary and appropriate.		
APPLICATION TYPE – Full		
REASON FOR REFERRAL TO COMMITTEE Cllr C. Palmer and Cllr R. Palmer Called-In the application as they are aware that matters have been raised by the public that they consider should lead to the application being considered by the Planning Committee.		
Case Officer – Ian Harrison		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Fernham Homes Operations Limited AGENT DHA Planning
DATE REGISTERED – 03/03/2025		TARGET DATE – 15/09/2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SS73LLTYMFW00		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located to the north of the railway line that passes through the built-up area of Newington and to the side or rear of the properties of Church Lane, Vicarage Court, Denham Road, Hasted Road and Westwood Walk. To the north of the site is Newington CE Primary School and, at the time of the Officer site visit, an on-going residential development which was approved, at appeal, following the refusal of application 21/504028/FULL, was under construction. The developer at that site is also the applicant for this application. To the west of the site are fields in agricultural use.

- 1.2. The site is irregularly shaped with the main part of the site measuring approximately 4.8 hectares. The site includes a line of hedgerow and trees that passes from north to south at the western part of the site.
- 1.3. At the western part of the site is an off-shoot which is intended to represent the route of a footpath that would lead to the south west and connect to an existing pedestrian underpass that runs below the abovementioned railway line. That route would connect to Public Right of Way ZR38 (PRoW) which leads generally in a north westerly direction from the gate to the north of the underpass.
- 1.4. To the east of the site is a small section of additional land that would connect the main part of the site to the turning head at Denham Road. That section of land would be used to provide a vehicle access into the site. A further, small protrusion from the main part of the site would exist at the south east, where a pedestrian link is proposed to be formed. A large tree is located in a small area of green land that is adjacent to that small protrusion.
- 1.5. The ground levels at the site change gradually, falling from the south to the north and from the east to the west. At the south west corner of the site and in the area that is outside the site but between the footpath route and the main part of the site is a somewhat incongruous mound.
- 1.6. In terms of the wider context of the site, with all measurements being taken from the proposed vehicular entrance to the site and using pedestrian routes throughout the area, the site is approximately 300 metres from the entrance to Newington Station and 400 and 450 metres, respectively, from the closest east and west bound bus stops on the A2. The entrance to the site is approximately 360 metres from the closest shops on the A2 and 350 metres from the entrance to St Mary the Virgin Church. The closest equipped Children's Play Area appears to be at Orchard Drive, 1.1 kilometres from the site. The site is adjacent to a primary school. The closest secondary school to the site is Westlands School, 3.6km to the east. The nearest Air Quality Management Area to the site is High Street, Newington, with one also being close to the site, at Keycol Hill.

2. PLANNING HISTORY

- 2.1. SW/74/1046 – 125 Residential Units
Refused – 14/03/1975
- 2.2. SW/75/1156 – Residential Development (57 Units)
Refused – 07/01/1977
- 2.3. SW/76/0803 - Residential development (61 units - Phase II)
Refused - 07/01/1977
- 2.4. SW/77/0465 - Residential 32 units (outline)
Refused – 01/08/1977
- 2.5. SW/79/1104 - Extension to residential development
Refused – 17/09/1979

- 2.6. SW/85/961 - Residential development of 20 bungalows and 5.25 acres of public space Refused – 06/12/1985
- 2.7. SW/10/1088 - Creation of vehicular access Refused – 06/12/1985

Other Nearby Developments

- 2.8. As set out in the description of the site, land to the north west of the application site is the subject of an on-going development comprising of, amongst other associated works, the erection of 25 dwellings and a 20 space staff car park and 20 space pupil pick-up/drop-off area for the adjacent primary school. That application was the subject of appeal APP/V2255/W/22/3312284, following application 21/504028/FULL being refused for, in part, the reason set out below:

1. The proposed development would represent unjustified and unnecessary residential development within the countryside resulting in an urbanising impact, outside of the defined built-up area boundary, in a manner which is significantly and demonstrably harmful to the character, appearance, and intrinsic amenity value of the countryside. The proposal is therefore contrary to policies ST1, ST3, ST5, CP4, DM14, DM24, and DM26 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017; and the National Planning Policy Framework.

- 2.9. A second reason for refusal related to the lack of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act and the associated lack of provisions with regard to infrastructure. This was, however, addressed prior to the determination of the appeal through the completion of a legal agreement.
- 2.10. The Inspector identified that that proposal would have adverse impacts in terms of the impact of the proposal on the character and appearance of the area, albeit the adverse impacts were concluded to be very limited. Overall, it was found that the approach set out at paragraph 11d of the NPPF was applicable and “the very limited adverse impact of the proposal is nowhere near sufficient to significantly and demonstrably outweigh the multiple benefits of the proposal.” Therefore, the development was found to accord with the NPPF in such a way that there was justification to set aside the provisions of the development plan and allow the appeal.
- 2.11. Other ‘major’ applications (10+ dwellings) within the area of Newington that are deemed to be of relevance due to reference by interested parties or proximity to the site include the following:
- Land to the rear of Eden Meadow – 23/505365/OUT – 25 Dwellings. Committee Resolution to Grant.
 - Land South of London Road - 22/500275/OUT – Allowed at Appeal - 135 dwellings.
 - 128 High Street, Newington - 21/505722/OUT and 24/500761/REM – 46 Dwellings. Approved.
 - 111 High Street - 20/505059/FULL – 10 additional dwellings. Approved.

- 99 High Street And Land To The North Of High Street, Newington - 16/501266/FULL- 124 Dwellings. Approved.
- Land East of St Mary's View - 15/509664/OUT – Refused on the grounds of highways, amenity, landscape and loss of agricultural land. An appeal was dismissed with the landscape and agricultural land reasons being found to be determinative.
- Parsonage Farm, School Lane, Newington - SW/14/0486 – 14 dwellings. Approved.

3. PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the erection of 90 dwellings. 36 of the dwellings (40%) would be affordable in the context of the formal definition. The housing mix would be as follows:

	One Beds	Two Beds	Three Beds	Four Beds	Total
Open Market	0	0	24	30	54
Affordable	4	17	14	1	36
Total	4	17	38	31	90

- 3.2. The housing provision would include 42 detached open market dwellings. There would be 28 semi-detached dwellings, 12 of which would be open-market units and 16 of which would be affordable.
- 3.3. There would be 12 terraced dwellings, arranged in 4 blocks of 3 dwellings, all of which would be affordable. A block of 6 flats, also all affordable, is proposed at the southern part of the site. The entrance to two of the flats would be at the south elevation, facing the railway line, one would be at the east, facing the parking court serving those flats and three would be to the north, facing highway. Two dwellings would be flats above garage buildings and would also be affordable units.
- 3.4. The applicant's initial submissions indicated that 5 of the dwellings would be self/custom build dwellings. However, they have been removed from the proposal and should not be afforded any weight in the assessment of the application.
- 3.5. In terms of layout, the main estate road would lead westwards from the access onto Denham Road. From that main route, three roads would run northwards, with two leading to a further 'east/west' road and three would run southwards with one of those curving westwards and the other splitting to east and west branches. The dwellings would be arranged within the layout formed by those roads with dwellings being arranged to face the highways in most instances. There would also be an emergency access/egress from the site at the north west corner, leading to School Lane.
- 3.6. All of the buildings would feature accommodation over two storeys. 42 of the dwellings would feature single storey garages/car ports to the side. In terms of materials, the applicant's Planning Statement indicates that the dwellings would be constructed from

a consistent palette featuring rustic red and red multi bricks brickwork to most dwellings with the occasional use of a buff brick, weatherboarding and hanging tiles to the elevations, hanging tiles also to the elevations and red and grey tiles to the roofs. All dwellings would be served by air source heat pumps.

- 3.7. To serve the development, 222 parking spaces would be provided. The 6 flats would each have one space. All of the four bedroom dwellings would have access to at least three parking spaces and some would have four. All other dwellings would have access to at least two parking spaces. 18 visitor spaces and 4 unallocated spaces are also proposed. Cycle parking is provided for each of the dwellings, either within the proposed garages or within dedicated timber store buildings. The proposed flats would be served by a detached refuse store building within the parking court serving it.
- 3.8. In addition to the dwellings, the application seeks permission for a car parking area to serve existing residents within the locality. 23 parking spaces would be provided in a parking court at the eastern part of the site, to the rear of the properties to the west of Hasted Road. The applicant's Planning Statement indicates that this would be managed by the Site Management Company.
- 3.9. The proposed parking is, in part, proposed to compensate for the impact on existing on-street parking that would result from the use of parking restrictions (double yellow lines) that are proposed within the vicinity of the site as a result of the proposal. These parking restrictions, which would need to be authorized under the terms of a Traffic Regulation Order outside of the planning regime, would include the south side of Denham Road, the parts of Church Road to the immediate north and south of the junction with Denham Road (a length of approximately 54 metres when measured along the eastern edge of the carriageway) and an area of extended parking restrictions at the southern part of Church Lane (amounting to a length of 10.8 metres at each side of the road). "Keep Clear" markings are also proposed at the junction of London Road and Church Lane.
- 3.10. To the west of the proposed dwellings is a proposed play area, at the north west corner of the site is a proposed surface water drainage feature and to the west and south west of the site is a proposed footpath route that would link the site to the PRow that is described above.

4. REPRESENTATIONS

- 4.1. Two rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers. Four notices were displayed near to the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. 115 letters of representation objecting to the proposal were received. Concerns and comments were raised in relation to the following matters:

Comments	Report Reference
Health care services will not be able to cope with the development.	Section 7.11.7
There are insufficient school places to serve the occupiers of the development.	Section 7.11.7
Additional traffic and the impact on highway safety, congestion and the capacity of surrounding roads, particularly given the inadequacy and narrowness of the existing roads and the incidents of accidents at junctions, including the junction of Church Lane and the A2.	Section 7.9.9 to 7.9.18
Cars within surrounding roads have been damaged as a result of the existing situation.	Section 7.9.9 to 7.9.18
Cars have hit existing buildings, including a listed building.	Section 7.9.9 to 7.9.18
The proposed access is inadequate and unsafe.	Section 7.9.9 to 7.9.18
Noise pollution, particularly from traffic.	Section 7.6.1 to 7.6.9
Air pollution and the impact on the Air Quality Management Area.	Section 7.10
Impact of construction traffic.	Condition 4
Regard should be had to appeal decisions APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140 and the associated subsequent High Court and Court of Appeal judgements that address air quality at Pond Farm.	Section 7.10
Potential flood risk.	Section 7.13
Future occupiers will not be from the local area, with some possibly coming from London.	Section 7.16.7
The development, combined with others, would unduly enlarge Newington and result in it not being a village.	Section 7.16.8
The development in Newington, combined with others in Medway and Swale are a threat to the rural character of the area.	Section 7.16.8
Development is in the countryside, outside the defined built-up areas.	Section 7.2.5 to Section 7.2.8
Bus services are inadequate to support the development.	Section 7.9.3
The footpaths of the area are inadequate and have a worrying interaction with traffic.	Section 7.9
Impact on daylight within neighbouring properties.	Section 7.6.1 to 7.6.9
Contrary to Development Plan.	Section 7.17.2
The proposal would cause the loss of Best and Most Versatile Agricultural Land and have a harmful impact on the rural economy and food production as a result.	Section 7.2.9 to Section 7.2.15
Inadequate parking to serve the proposed development.	Section 7.2.9 to Section 7.2.15

The loss of on-street parking within the vicinity of the site as a result of the use of parking restrictions within nearby roads. The potential impact on security and car insurance prices.	Section 7.6.9
The proposed public parking provision is not allocated and so will not be effective.	Section 7.6.9, 7.9.23 and 7.9.25
Deliveries should be factored into the transport assessment.	Section 7.9.9 to 7.9.18
The development would not include adequate affordable housing.	Section 7.2.24 to 7.2.29
The development would include too much affordable housing.	Section 7.2.24 to 7.2.29
The mix of housing proposed would not reflect the needs of the local area.	Section 7.2.17 to 7.2.23
Harmful impact on wildlife.	Section 7.8
Inadequate police presence.	Section 7.16.4 and 7.16.5
Inadequate regard to energy efficiency and renewable energy generation.	Section 7.15.1 and 7.15.2
Impact on quality of life of residents of Newington and the impact on a 'right to village life.'	Section 7.6.8 and 7.16.8
One point of access is inadequate for emergency services.	Condition 27
The provision of cycle parking is illogical as it is unlikely to be used.	Section 7.9.21 and Conditions 20 and 21
Impact on the character and appearance of the area.	Section 7.3
The Applicant's LVIA demonstrates that there would be a harmful impact on landscape.	Section 7.3.3 to 7.3.13
Harmful impact on archaeology.	Section 7.5
Harmful impact on PRow.	Section 7.9.7
Inadequate leisure and youth facilities to cope with the development.	Section 7.11.4
Impact on minerals safeguarding area.	Section 7.16.2
Insufficient soft landscaping, particularly tree planting.	Section 7.3.19
Impact on Swale and Medway Special Protection Area.	Section 7.8.2 to 7.8.4
Impact of surface water flooding.	Section 7.13
The proposed air source heat pumps should not be a reason to find the proposal acceptable.	Section 7.10.5 and 7.15.2
The proposed electric vehicle charging points should not be a reason to find the proposal acceptable.	Section 7.9.25
10% Biodiversity Net Gain is "utter nonsense."	Section 7.8.8 and 7.8.9
The loss of on-street parking within the vicinity of the site as a result of the provision of the access into the site.	Section 7.6.9
The impact on living conditions of residents as a result of the effect on the ability to park within nearby roads, particularly in terms of convenience and disabled access.	Section 7.6.9 and 7.9.24

The parking study undertaken by the applicant is inaccurate, the survey of local residents is insufficient and did not fully engage with local residents.	Section 7.6.9 and 7.9.24
Inadequate pedestrian access to the school, along Church Lane and throughout the area.	Section 7.9.3 to 7.9.18
Unacceptable loss of green spaces.	Section 7.2.5
Loss of privacy and increase of overlooking.	Section 7.6.1 to 7.6.9
Inadequate parking.	Section 7.9.19 to 7.9.24
Unauthorised use of the Village Hall Car Park, due to existing shortfalls, is likely to worsen.	Section 7.9.23
Rubbish collectors will not be able to accommodate the development.	Section 7.9.17
Harmful impact on setting of Conservation Area and Listed Buildings.	Section 7.4
Harmful impact on views from PRowWs.	Section 7.3.3 to 7.3.13
The planning history of the area should include SW/10/1088.	Section 2.7
Only one of the railway station platforms have level access as opposed to two as suggested by the applicant.	Section 7.9.5
The bus services are not as good as is suggested by the applicant within their submissions.	Section 7.9.3
The future residents will cause anti-social behaviour.	Section 7.16.4 and 7.16.5
The density of development is far greater than the surrounding area, harmfully so.	Section 7.3.14 to 7.3.20
There are insufficient details of the management of the proposed car parking area.	Section 7.16.6
There is no demand for the proposed development.	Section 7.17.3
No regard has been had to Westwood Walk by the applicant.	Section 7.6.7
The impact of construction traffic and the inability of local roads to cope with that traffic.	Condition 4
The unavailability of parking will prevent existing hobbies which are dependent on loading items into or onto a car and, in turn, this would harm mental health.	Section 7.6.9
Controlled crossings should be provided within surrounding roads.	Section 7.9.9 to 7.9.18
The figures quoted in the Transport Assessment do not reflect the Transport Assessment for the School Lane development.	Section 7.9.9 to 7.9.18
The proposal would not derive any economic benefit for the local area.	Section 7.16.3
A reliance on routes within the area conflict with the Equality Act 2010 as they are inadequate to serve wheelchair users.	Section 7.9.5
The applicant has indicated that the proposed development would be built through access from School Lane but this has not been factored into the applicant's traffic submissions.	Section 7.9.9 to 7.9.18
Kent Police's comments relating to the car parking area have not been addressed within the applicant's amendments.	Section 7.16.5

The proposed parking restrictions would be in place years before the compensatory parking.	Section 7.9.9 to 7.9.18
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- 4.3. The representations received also included the following comments which, unlike the other comments, have not been addressed within the report. They are, therefore, addressed within this section.

Comments	Response
The applicant's aim is financial gain.	This would not be a sound reason to refuse the planning application.
Concern that the Council Tax will go to Maidstone Borough Council as the letter received was from the Council's shared planning administration service.	The Councils have a shared administrative service and this should not be taken as an indication of how Council Tax revenue would be distributed.
A transport and highways assessment submitted by an applicant is not independent.	The applicant is required to submit one and it has been independently assessed by the Highway Authority and others.
The developer has ignored public consultation.	Not for the Local Planning Authority to comment. However, Officers have had regard to all comments received.
The self-build plots would be too expensive to purchase.	The self-build element of the original proposal has been removed.
If this is approved there must have been "brown envelopes involved"	Due process has been followed and this is an unfounded comment. Any accusations should be submitted through the Council's complaints procedure / to the Police.
Impact on property values.	Not a material planning consideration.
The applicant did not accord with previous commitments at an adjacent development, such as the CEMP.	The application has to be considered on the planning merits of the case rather than the conduct of any party.
The description of the development is inadequate as it does not refer to off-site highway works.	This matter has been addressed with the objector who has accepted that the description is adequate.
The flaws of the proposal are not sufficiently prominent within the applicant's submissions.	The applicant's submissions are considered to be sufficient for the application to be considered valid.
Loss of views of the countryside.	The planning system does not afford protection to private views.
Alternative access proposals should be explored.	The Council is required to determine the acceptability of the application on the basis of the plans that have been submitted.
Reasons for refusal of application 15/509664/OUT should be applicable to this proposal.	All applications should be considered on their own merits. Regard has been had to that decision.
The site is not a brownfield site.	This is the case, but there is no policy requirement for development to only be

	on previously development land and, therefore, this is not determinative.
Site not mentioned in the Housing Land Supply Position Statement 2024/25	This is not considered to be determinative or grounds to find the development unacceptable.
The proposal represents Phase 1 of 3.	The application has to be considered on its own merits and as it has been presented.
Permit parking should be introduced around the station.	This would fall outside the scope of the application, it has not been suggested by the applicant or the Highway Authority.
Speed limits within the surrounding highways are not enforced.	This goes beyond the scope of the assessment of a planning application but traffic speed is factored into the Transport Assessment.
Insufficient dentists to cope with the proposed development.	There is no planning policy to enable dentist provision to be sought.
Impact on rural lanes.	Church Lane is not designated as a rural lane. Traffic impacts and visual impacts have been fully considered below.
The affordable housing should be provided to local residents and the development would include insufficient housing for first-time buyers.	The type of affordable housing sought would align with what there is a policy justification to seek. Nomination rights can be secured through a Section 106 agreement.
The shop within Newington is not sufficient to cope with the additional demand.	There are no planning policy standards relating to the level of retail provision required to serve a development and so this cannot be determinative, but is considered below.
The train station will not cope with additional passengers.	There is no evidence available to suggest that this is the case.
The applicant's submissions are inaccurate in terms of a number of the matters set out above.	The applicant's submissions are not the sole basis for the assessment and it is not considered that any shortcomings have prevented a robust consideration of the application.
Impact on disabled driver parking spaces.	The proposal and the proposed parking restrictions would not cause the loss of disabled parking spaces.
Light pollution from new buildings.	There is no reason to conclude that the proposal would cause light pollution beyond what could reasonably be expected of a residential development and as such this is not a ground of officer objection in this location.
The utilities (electric, gas, drainage, sewage, broadband and water supply) within the area cannot cope with the additional demand.	Whilst drainage and sewage is addressed at Section 7.13, the others are addressed under separate legislation and there is no known reason to conclude that the

	development would not have adequate utilities or that there would be an unacceptable strain that would harm existing living conditions.
The traffic surveys were undertaken during school holidays.	The parking surveys were conducted between 17 th and 20 th April 2024. School Easter Holidays in 2024 were from 29th March to April 12 th . Traffic counts occurred on Tuesday 23 rd January 2023.

4.4. Newington Parish Council object to the application on the following grounds:

Comments	Response
The application should be refused alike the School Lane refusals.	The application should be considered on its own merits
The development is outside of the defined built-up area boundary.	Section 7.2.5
Impact of the development on parking and safety within Church Lane.	Section 7.9.8 to 7.9.18
The impact of traffic.	Section 7.9.8 to 7.9.18
The impact on sewerage.	Section 7.13.6
The proposal is in conflict with the development plan and is not part of any emerging plan.	Section 7.17.2
527 houses have been built or approved in the past 15 years in / around Newington.	Section 7.16.8
The school would not be able to cope with additional demand. The findings of an appeal decision in Upchurch are cited in this regard.	Section 7.11.7
Facilities and transport connections are limited.	Section 7.2.7 and 7.9.3
The proposal does not represent sustainable development and does not ensure or maintain the vitality of rural communities.	A broad subject that is considered throughout.
The proposal would not utilise brownfield land.	Agreed.
The proposal would cause the loss of Best and Most Versatile Agricultural Land.	Section 7.2.9 to 7.2.15
The 2015 appeal decision at land to the East of St Mary's View is quoted with large tracts of the appeal decision being cited.	Section 7.16.10
Appeals were dismissed for development outside the built-up boundary including at 132 and 148 High Street, Newington, 6 Ellen's Place, Lower Hartlip Road and Jubilee Fields, Upchurch. Consistency with these appeal decisions should be a fundamental principle of planning.	Section 7.16.10 and 7.16.11
The impact on Air Quality and the case of Pond Farm where mitigation measures were found to be unacceptable.	Section 7.10

The transport assessment does not reflect the limitations of public transport services.	Section 7.9
The effectiveness of the proposed travel plan measures are doubted.	Section 7.9.4 and condition 31
The absence of a wheelchair access to Newington Railway Station undermines the findings of the applicant's submissions.	Section 7.9.5
The comments submitted by Kent Police for the School Lane application are cited as are one of the points made by Kent Police in respect of this application with respect to natural surveillance.	Section 7.16.5
The management of the car parking area is unclear.	Section 7.16.6
The proposed footpath would not be a safe route to the recreation ground.	Lighting would be proposed, it would not be worse than the existing PRow and residents would have the choice of 2 routes.
The proposed 'Keep Clear' markings would be ineffective.	Section 7.9.8 to 7.9.18
Tandem parking is considered to be problematic, as identified within the Swale Parking Standards.	Section 7.9.22
The provision of electric vehicle charging points is a token gesture.	Sections 7.9.25 and 7.10.5
The proposal would not improve the economy of Newington and there would be no obvious social benefits of the proposal. There would, however, be environmental harm through loss of farm land and pollution.	Section 7.16.3
Newington Parish Council have also instructed an appraisal of the applicant's highways submissions and the response of KCC Highways to be undertaken. The findings of the two reports are:	
The content of the School Lane appeal decision is cited.	Section 7.9.
The trip rates from the development have been contested, as they also were by the Highway Authority. The trip rates relied upon were lower than applied at the School Lane site. Applying the rates from School Lane would equate to an increase of 40% in the AM peak, 20% in the PM peak and 23% across the period of 07:00 to 19:00.	Additional information has been submitted since these comments were made. Section 7.9.8 to 7.9.18
Traffic surveys undertaken on two days, with the highest surveyed figures being quoted in this summary, indicate that, in Church Lane, there is 28% more traffic in the AM peak and 41% more traffic in the PM peak and, in the High Street there is 20% and 34% more traffic respectively. The applicant's traffic surveys are therefore not considered to be reliable.	Additional information has been submitted since these comments were made. Section 7.9.8 to 7.9.18

As a result of the above, queues at the junction of High Street and Church Lane are longer than predicted, are problematic and would not be mitigated by the proposals.	Additional information has been submitted since these comments were made. Section 7.9.8 to 7.9.18
Security of the proposed parking court is a concern due to limited natural surveillance.	Section 7.16.5
The proposed parking mitigation would be ineffective as it is 100m from some of the properties within Church Lane that would lose on-street parking.	Section 7.6.9
Parking would displace to other parts of Church Lane rather than use the proposed parking court.	Section 7.9.23
Some footways within the development are insufficient, being 1.2m wide.	Those which are shown to be thinnest are routes through areas of open space where other routes are also available.
The garages for plots 29 and 90 would not be large enough to accommodate cars and bicycles.	Section 7.9.21.
Cycle storage is not adequately shown.	Conditions 20 and 21
There is an over-provision of parking in respect of some dwellings.	Section 7.9.21
Refuse collection would require long drag distances.	Section 7.9.26

5. CONSULTATIONS

- 5.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee. There have been two rounds of consultation for some consultees where necessary as a result of amended submissions by the applicant.
- 5.2. **KCC Highways** – The detailed comments are discussed further below but, in summary, conditions and planning obligations can be imposed to adequately address all matters relating to the public highway and, as such, no objection is raised.
- 5.3. **KCC Flood and Water Management** - It is advised that there are options to address surface water drainage discharge and, whilst there may be complications in delivering these provisions, there is scope to address this through the imposition of conditions.
- 5.4. **KCC Development and Investment** – No objection subject to contributions to education and learning facilities, integrated children's services, library, registration and archive services, adult social care and waste facilities.
- 5.5. **KCC Minerals and Waste** – No objections or comments.
- 5.6. **KCC Ecological Advice Service** – The site is not considered to be functionally linked land in relation to the nearby protected habitats. The impact of the proposal on

badgers, bats, slow worms and common reptiles at or near the site is considered capable of mitigation in line with the applicant's submissions and through the imposition of a condition. The content of the applicant's Shadow Habitat Regulations Assessment is agreed and it is recommended that its content forms the basis of an Appropriate Assessment that is required to be adopted by the Local Planning Authority. Following modification to the proposals to enable the retention of a tree (T28) the BNG proposals are considered to be feasible and acceptable. A Habitat Management and Monitoring Plan is recommended to ensure that the BNG measures are secured.

- 5.7. **KCC Archaeology** – The detailed comments are discussed further below but, in summary, a condition can be imposed to adequately address the archaeological interests of the site.
- 5.8. **KCC Public Rights of Way (PROW)** - No objection. The link to Public Footpath ZR38 to the west of the site is welcomed as it will be a safer and more enjoyable route. An upgrade of footpath ZR38 to a 2 metre wide all weather surface footpath is requested and £14,000 is sought to achieve this.
- 5.9. **SBC Heritage and Design** – In terms of design, no objection was raised but improvements were suggested, many of which have been incorporated within amendments to the proposal. In terms of heritage assets, the proposal would preserve the setting of listed buildings within the vicinity and the character and appearance of Newington Church Conservation Area. As such no objections are raised.
- 5.10. **SBC Affordable Housing** – The application of policy DM8 means that 40% of the homes should be affordable (equating to 36) and 90% of those (equating to 33) should be social rent housing and the remaining 10% (equating to 3) being shared ownership. Whilst the amount of affordable housing aligns with policy, the applicant has offered an equal split between the tenures and it is noted that there is just a single four bedroom affordable dwelling which is low relative to the mix of housing within the overall development. It is, however, recognised that delivering affordable housing is difficult, particularly for sites such as this where the provision is considered to be relatively small, and that flexibility can be shown where it is demonstrated that this is required. It is advised that at least 10% of the housing should be built to M4(3) standard and that all others should be built to M4(2) standard.
- 5.11. **SBC Greenspaces** – No objection subject to conditions to secure on-site provisions and a financial contribution towards off-site formal outdoor sport facilities.
- 5.12. **SBC Tree Officer** – No objection subject to the tree protection measures being incorporated as detailed within the applicant's supporting submissions. Moreover, the proposed landscaping proposals are considered to be reasonable and acceptable subject to the imposition of conditions relating to their detail and management.

- 5.13. **Mid-Kent Environmental Protection** – The submitted Noise Impact Assessment is acceptable and, whilst it is identified that the garden areas of three dwellings would exceed conventional thresholds, it is advised that this should be found acceptable in the context of the overall development. Contamination is also considered to be able to be addressed through the imposition of a condition.
- 5.14. The Air Quality Assessment was also considered sufficient and it has been recommended that mitigation measures in accordance with the IAQM and a Construction Environment Management Plan (CEMP) are secured. An air quality damage cost calculation of £21,627 was calculated and a condition was recommended to address this. However, following the receipt of the applicant's 'Technical Note 3' it was concluded that this would no longer be required.
- 5.15. **National Highways** – No objection.
- 5.16. **Environment Agency (EA)** – No comment.
- 5.17. **Natural England (NE)** – No objection subject to securing appropriate mitigation.
- 5.18. **Historic England** – No Comment.
- 5.19. **NHS** – A contribution towards healthcare services in the community is sought, amounting to £91,620. The justification for this is available within their submission and relates to an expected occupancy rate of 255 persons across the development and the need to mitigate the impact of this on local health care provision.
- 5.20. **SBC Active Travel** – Positive elements were identified including the footpath provision and the lighting of footpaths, the accessibility to public transport, the permeability of the proposed development, the provision of cycle parking and a contribution to a cycle hire scheme. Improvements to the travel plan were suggested, it was suggested that social spaces and play equipment would foster a sense of community that could encourage car sharing and it was suggested that the estate should have a 20mph speed limit and that footpath improvements should be included.
- 5.21. **Lower Medway Internal Drainage Board (LMIDB)** – No Comment.
- 5.22. **Southern Water** - No objection. The connection to the main network and the capacity within that network is addressed through other measures. It is stated that no soakaways should connect to the surface water sewer and that an application should be made to connect the site to a public sewer under separate legislation. A condition is sought to require details of soft landscaping to be agreed with Southern Water in order to ensure that it does not impact upon assets.
- 5.23. **Kent Police** – 11 recommendations are made relating to areas of potential informal association spaces and their surveillance, boundary treatments, the provision of pavements and trees, the inclusion of parking courts, the provision of defensible space

for corner plots, lighting, the specification of doors, windows, mail boxes and cycle stores.

- 5.24. **Medway Ramblers** - The link to the PRowWs should be suitably surfaced.
- 5.25. **Swale Footpaths Group** - The existing adjacent footpath should be given a clear status and a separate cycle lane should be provided. Comments about the diversion of footpaths and the proximity to Medway are also made.
- 5.26. **UK Power Networks** - Overhead lines run close to the site and it is therefore recommended that accurate records of the route should be checked prior to the commencement of development.

6. DEVELOPMENT PLAN POLICIES

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 strategy area
- CP1 Building a strong, competitive economy
- CP2 Promoting sustainable development
- 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 design and construction

DM20 Renewable and low carbon energy

DM21 Water, flooding and drainage

DM26 Rural Lanes

DM28 Biodiversity and geological conservation

DM29 Woodland, trees and hedges

DM31 Agricultural land

DM32 Development involving listed buildings

DM33 Development affecting a conservation area

DM34 Scheduled Monuments and archaeological sites

Supplementary Planning Guidance/Documents -

Landscape Character Assessment and Biodiversity Appraisal (LCA&BA), 2011.

Developer Contributions Supplementary Planning Document, 2009.

Noise and Vibration – Planning Technical Guidance Document, 2020.

Parking Standard Supplementary Planning Document, 2020.

Planting on New Developments Supplementary Planning Guidance.

Kent Mineral and Waste Local Plan 2024-39 (KM&WLP), 2025 & the Kent Mineral Sites Plan (KMSP), 2020.

National Planning Policy Framework (the NPPF)

National Planning Practice Guidance (NPPG)

7. ASSESSMENT

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

- Principle
- Landscape Effect, Layout, Scale and Appearance
- Heritage
- Archaeology
- Living Conditions
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure

- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Sustainability / Energy
- 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.
- 7.2.2. The NPPF 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. Policy ST1 sets out the general approach to delivering sustainable development in Swale with reference to, amongst other things, building a strong competitive economy, supporting the rural economy, according with the settlement strategy, supporting the transport strategy, delivering high quality homes, achieving good design, promoting health communities, meeting the challenge of climate change and flooding and conserving and enhancing the natural and historic environments. These aims generally align with the NPPF and will be considered in further detail below.

Settlement Strategy

- 7.2.4. Other than the point of access on to Denham Road and the pedestrian access point at the south east of the site which leads to Hasted Road, the application site is located outside the built-up area of Newington and is therefore in the open countryside.
- 7.2.5. In such locations, Policy ST3 states that development will not be permitted, unless it is supported by national planning policy and it is demonstrated that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. For reasons that will be set out below, the proposal would neither protect or enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside. The proposal would, therefore, conflict with Policy ST3, criteria 4 of Policy ST1 and Criteria 1 of Policy CP3.
- 7.2.6. Although it is only stated in respect of the land within the built-up area boundary and is not therefore applicable to this site which is outside of that defined area, it is noted that Policy ST3 identifies Newington as a Rural Local Service Centre and the land within the settlement is, therefore, a location which is able to be a “*tertiary focus for growth in the Borough*”. In this regard it is noted that Newington is served by train and bus

connections, a medical facility, a school, shops and other such services and therefore, whilst not being within the settlement and noting that not all facilities and service are available, it is considered that the site is reasonably well served and relatively accessible. Notwithstanding this, Policy ST3 goes on to state that development will be at allocated sites and the pre-ambles to that policy identifies that, *“despite its role and level of services, development opportunities are relatively limited due to the valued and important heritage, landscapes and habitats to the north of the village, poor pedestrian connections between north and south of the village, a restricted internal road network, poor air quality and surrounding high quality agricultural land. Opportunities are limited to brownfield sites or to the east of the village where there is potential to develop a visually well contained site.”*

- 7.2.7. Whether the proposal accords with national planning policy and the weight to give the conflict with policies will be considered further below but this is considered to be moot in relation to an assessment of whether the proposal accords with the development plan.

Loss of Best and Most Versatile Agricultural Land

- 7.2.8. Policy DM31 states that development on such land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. For reasons that will be set out elsewhere, there is a demonstrable housing need that cannot currently be met within built-up area boundaries.
- 7.2.9. As far as is relevant to this site and proposal which relates to a site that is not allocated for development by the local plan, the policy goes on to state that development on Best and Most Versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless there is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development and the development will not result in the remainder of the agricultural holding becoming unviable or leading to likely accumulated and significant losses of high quality agricultural land.
- 7.2.10. The proposal would involve development on Grade 1 agricultural land. The applicant has provided a generic commentary in relation to the abundance of Best and Most Versatile agricultural land within the Borough, indicating that there are few sites which would not be affected by this designation other than on the Isle of Sheppey which the applicant considers to be restricted by other constraints. The submissions do not represent a detailed assessment of other sites and, as such, it is not considered to have met the requirement that is set out at criteria 2 of policy DM31.
- 7.2.11. In respect of the third criteria, the applicant has indicated that the land at the application site is a small parcel of land that is 0.34% of the landowners overall holding. Whilst the site appears to have been in agricultural use this summer, it is accepted that it represents a small parcel of a much wider holding and, as such, its loss would not result in the remainder of the agricultural holding becoming unviable. Even noting

other developments within the area, it is not considered that the loss of this land would represent accumulated and significant loss of high quality agricultural land.

- 7.2.12. Overall, as the proposal would not meet both criteria 2 and criteria 3, as is required for the policy to be complied with and, as such, the loss of Grade 1 Best and Most Versatile agricultural land would conflict with the abovementioned policy. To build on such land would also conflict with paragraph 187b) of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.
- 7.2.13. For reasons that will be set out elsewhere, it will be relevant to consider how much weight to afford the harm arising from the loss of Grade 1 BMV. In this regard, the applicant has highlighted that Planning Inspectors within appeal decisions within the Swale Borough have given this conflict varied weight, ranging from very limited in the case of the appeal at School Lane, Newington to moderate weight in the case of the appeal at London Road, Newington (APP/V2255/W/23/3318448) and Swanstree Avenue, Sittingbourne (APP/V2255/W/22/3311224). Each case should be considered on its own merits and it is for a decision maker to consider how weight should be applied but it is considered that these decisions can be used to guide a decision maker in determining how much weight to afford to the harm arising in this regard.

Housing Development and the Size and Type of Housing

- 7.2.14. 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.
- 7.2.15. Policy CP3 of the Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA). 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%	44.4%	55.6%
Affordable Required	27%	23%	30%	20%
Affordable Proposed	11.1%	47.2%	38.8%	2.8%

- 7.2.16. 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.
- 7.2.17. On a more local level, Policy CP3 indicates that housing proposals should be tailored to the issues present within the local housing market area. The pre-amble to the policy provides background to this stating that, in the area of Newington and the ME9 post code generally, house prices are relatively high and there are reasonable levels of demand. It goes on to state that *“the aspiration could be to encourage the development of good quality family housing, for which the greatest local demand exists”*.
- 7.2.18. From this basis, whilst the proposal does little to address the needs of the Borough as a whole and conflicts with criteria 5 of Policy CP3 as a result, it is considered that the proposal is tailored to the local housing market in terms of providing open-market housing of a high quality and suitable to accommodate families and, therefore accords with criteria 3 of that policy.
- 7.2.19. Moreover, in respect of criteria 3 of Policy CP3 which requires development to be at a density that is determined by the local context, it is considered that the prevalence of dwellings within the development and the overall density of the development is reflective of the surrounding area. In this regard it is noted that there is a mixture of tightly-knit dwellings close to the centre of Newington which dilute to more suburban arrangements as can be seen to the north and immediate west of the application site. The proposal is considered to generally reflect this pattern.
- 7.2.20. Overall, whilst not complying with Policy CP3 in all respects, it is considered that the proposal is consistent with other parts of the policy in such a way that no objection is raised to the mix of dwellings that is proposed.

Affordable Housing

- 7.2.21. Policy DM8 indicates that the development at this site should include 40% affordable housing and states that the size, tenure and type of affordable housing units should be in accordance with the needs of the area. It also requires that, where possible, homes are designed for use by disabled, elderly and vulnerable residents. Policy DM8 is supported by Policy CP3.

- 7.2.22. The tables set out above highlight that 36 affordable housing units would be provided, including 4 units with one bed, 17 with two, 14 with three and 1 with four. The applicant has indicated that, in the first instance, the proposal would intend to deliver 90% rented affordable housing and 10% shared ownership. However, they wish to include a cascade mechanism within the Section 106 agreement to allow this to vary to a equal split between rented and shared ownership units in the potential circumstance where it proves impossible to secure a Registered Provider for the preferred mix. This is considered to be a sensibly pragmatic approach given recent experiences at other sites.
- 7.2.23. Consequently, the affordable housing provisions do not align proportionately with the needs of the Borough which are set out above. However, given that the need of the Borough is considerable and, therefore, there is a need for each of the housing units that are proposed, the proposal would still go some way to meeting the need, albeit not proportionately to the needs of the Borough.
- 7.2.24. The proposals include the provision of two affordable units that would be built to M4(3). The provision of M4(3) units can be secured through a planning obligation with the Council's preference being for 10% of the affordable units being built to this standard.
- 7.2.25. Overall, the proposal would accord with Policy DM8 in terms of the number of units proposed to be provided and in terms of the tenure of that affordable housing. Whilst the mix of housing would not wholly accord with the preferred mix, it is considered that this represents a partial conflict with policy and, where there is an overall need for all types of affordable housing, it is not considered that this is grounds to conclude that the proposal is contrary to the policy as a whole.

7.3. **Landscape Effect, Layout, Scale and Appearance.**

- 7.3.1. Policy DM14 sets out general development criteria, requiring, amongst other elements, developments to reflect the positive characteristics and features of the site and locality, be well-sited and of a scale, design and appearance to be sympathetic and appropriate to the location.
- 7.3.2. Policy DM24 of the Local Plan states the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed. For 'non-designated' landscapes such as the application site, policy seeks to minimise and mitigate adverse impacts and, where significant adverse impacts remain, requires that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.

Landscape Effect

- 7.3.3. The site is located within the North Kent Plain National Character Area (NCA113) with the supporting documentation providing a description of the varied character that exists between South East London and the east coast, between the Thames and North Sea and the North Kent Downs. The content is noted but is considered to provide little

prescriptive guidance for the assessment of this site, other than to recognise the mix of agricultural land and settlements of varied scale.

- 7.3.4. The Swale Landscape Character and Biodiversity Appraisal (2011) includes the site within the “Fruit Belt Landscapes” area that includes the majority of the west of the Borough, between Sittingbourne and Medway. At a more local level, it is included at the very south east corner of the “Upchurch and Lower Halstow Fruit Belt.” The appraisal identifies areas with a *“strong sense of enclosure emphasised by the significant network of mature hedgerows and shelterbelts that are associated with the agricultural landscape.”* These enclosing features are identified as having a screening effect, as does the undulating topography which limits the places where lengthy views can be achieved. The appraisal identifies that building styles and materials vary greatly and provides guidance for development relating to the use of appropriate materials in built form development and suitable hedgerow mixes within landscaping belts.
- 7.3.5. The Council’s Landscape Sensitivity Assessment (2019) includes the site within area NN4 which the supporting commentary identifies as being comprised of *“small to medium scale arable farmland and pasture/paddocks and small areas of commercial orchards.”* It states that *“The landscape has an undulating landform, moderate sense of rural character with limited modern human influences, moderate time depth with some heritage assets and semi-natural habitats and has some visual prominence. The very strong settlement edge formed by the railway and woodland, in combination with the above attributes including the rising landform at Mill Hill, indicate a moderate-high overall sensitivity to future change from residential development.”*
- 7.3.6. The applicant has submitted a Landscape and Visual Impact Assessment (hereafter referred to as the LVIA), which appears to follow a conventional methodology and concludes that visibility of the development would be localised. The LVIA has utilised 15 assessment locations and identified that the greatest adverse impact would be experienced by residents adjacent to Hasted Road who would perceive a major adverse impact when first built, with this reducing to a moderate adverse impact in year 15. It identifies that residents adjacent to Church Lane / Denham Road and users of the PRow to the west would experience moderate adverse impact initially, with this dropping to a minor adverse impact over the same time period. The impact is considered to be neutral from 8 locations and from all other vantage points, the impacts are considered to be minor adverse, negligible adverse or neutral in year one, with the harm being reduced over time as a result of the proposed mitigating features of the development.
- 7.3.7. The LVIA identifies that Green Infrastructure proposed within the development will enable the proposal to accord with landscape character guidance and provide new recreation and biodiversity opportunities.
- 7.3.8. Overall, the LVIA concludes that the effects of the development are low and localised and reduce in time. Therefore, the proposed development *“minimises and mitigates*

the adverse landscape impacts and where possible enhances the landscape value of the Site via the new recreational linkages and increased planting.” In reaching this view, the LVIA suggests that the development would be well located in the context of the Newington settlement pattern and that the proposal represents a logical infill of the residential settlement pattern, whilst providing landscape enhancements and raising the design standard of the area.

- 7.3.9. The LVIA is generally considered to be a sound assessment. The development would be prominent from within the settlement of Newington, particularly the areas of public domain within the highways to the east of the site. Moreover, there would be clear views of the development from the PRow to the west and the highway to the north west. However, in the context of the overall landscape, these are relatively short to medium range views and it is not considered that there are more wide-ranging views of the development in which the proposal would be particularly impactful. From the west and north west, the development would be seen against the backdrop of the residential areas of Newington that are to the north of the railway line. From that basis, whilst the development would come closer to receptors using the PRow, views would continue to be of residential development. In this regard, whilst larger in scale, the impact would not be dissimilar to that which has been caused by the School Lane development which the Inspector identified to be of very limited harm.
- 7.3.10. From the east, there would be substantial restrictions on views into the countryside. However, the topography of the area means that the views are not expansive and through the opening up and provision of pedestrian routes, there would be more opportunity for the public to access and view the countryside than currently exists, such that there would be some mitigating factors to off-set the harm that has been identified.
- 7.3.11. As per the LVIA, it is considered that the retention and reinforcement of trees, hedges and other such vegetation will be essential to the success of the site. At present there is a belt of trees at the west of the site which partially intervenes in views into and out of the main part of the application site. This would be retained and supplemented through additional planting, particularly to the west. Alike the School Lane proposal to the north west, this will not remove the impact of the proposals entirely, even when the landscaping has fully matured, but it would reduce the harm and contain the spread of development.
- 7.3.12. Overall, there would be an impact on the landscape. However, this would be relatively localised due to the topography of the area and would not represent significant landscape harm. As such, criteria 2 of Part B of Policy DM24 is not applicable and it is considered that the proposal would accord with criteria 1 by virtue of the impact being minimised and mitigated. There is, however, harm that is considered to be required to be considered in the context of the NPPF which requires at paragraph 135 that development is sympathetic to local character, including the landscape setting, and requires at paragraph 187b) that development recognises the intrinsic character and beauty of the countryside. This also partially conflicts with criteria 6 of Policy

DM14 which, amongst other things, requires that development conserves and enhances the natural environment.

Layout, Scale and Appearance.

- 7.3.13. The Council's Design and Heritage Manager reviewed the initial proposals and found that, in general terms, the scheme achieves a compact and efficient layout based on a series of perimeter blocks with the back of dwellings facing towards inactive areas around the site and the frontage of dwellings generally facing the streets and open spaces. It has been found that *"the proposed pattern and grain of the development responds to different site characteristics, with the eastern edge of development drawing upon the character of Hasted Road, Denham Road and Church Lane."* It has been commented that *"The western edge structure follows a looser profile at the interface with the countryside using 'crumbly' edges which is contextually appropriate. Accordingly, the proposed layout relates to the undeveloped countryside and development patterns and grain evident within Newington. The scheme therefore has the potential to physically and successfully knit to the existing village fabric and transition to the countryside to the west."* The advice received concluded that *"the scheme is encouraging and has the potential to be a well-designed place that links well with Newington."*
- 7.3.14. However, the Design and Heritage Manager also made a number of recommendations and these have generally been incorporated into amended plans that have been submitted and re-consulted upon. These amendments focused on the lighting of the proposed footpath to the west, the addition of windows to increase surveillance of some parking areas, the retention of a tree and the improvement of boundary treatments. In follow up comments, the Design and Heritage Manager identified that, despite being relatively minor in nature, the amendments were positive and consistent with the character of the scheme.
- 7.3.15. The design advice received is agreed with and it is considered that the arrangement of development is considered to be logical in arrangement and of a density that is compatible with the locality. The arrangement of dwellings to face the public domain that would be formed within the site is considered to be appropriate and it is considered that the development would attach onto the settlement of Newington in a way that would appear as a suitably integrated extension.
- 7.3.16. The two storey scale of the built form is considered to be compatible with the surrounding area given that most surrounding buildings are of the same scale. Moreover, the conventional housing types are considered to be of sufficient design quality and visual interest to meet the requirement for development to represent high quality design.
- 7.3.17. It is considered that there is ample scope for soft landscaping to be incorporated within the development and the proposed boundary treatments would be suitably chosen to reflect their prominence in public views.

- 7.3.18. From this basis, no objection is raised to the scale, layout or appearance of the development in terms of their impact on the character and appearance of the site and the surrounding area.

Overall Assessment of Landscape Effect, Layout, Scale and Appearance.

- 7.3.19. For the reasons given, whilst the proposal would have an impact on the landscape, it is not considered that the impact would be harmful to a degree, after mitigation, that would conflict with Policy DM24. The proposal would not accord wholly with Policy DM14 as this requires, amongst other things, that development conserves and enhances the natural environment, the proposal would accord with Policy DM14 in terms of being of acceptable layout, scale and appearance, thereby not harming the character and appearance of the site and the surrounding area.

7.4. Heritage

- 7.4.1. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.4.2. A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.3. 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.
- 7.4.4. 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.
- 7.4.5. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.

7.4.6. 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 to listed buildings, therefore having the potential to impact their setting. The following heritage assets have been identified as being potentially impacted by the proposal within the applicant's submissions and have also been assessed by the Council's Design and Heritage Manager:

- The Church of St. Mary (Grade I Listed Building)
- The Oast House adjacent to Church Farmhouse (Grade II Listed Building)
- The Newington Church Conservation Area.

7.4.7. In this case, given the separation distance and the presence of existing buildings separating the site from these heritage assets, it is considered that the proposed development would have a minimal impact on the setting of the listed buildings and the Newington Church Conservation Area. There are a few locations where the heritage assets and the proposed development would both be able to be seen and where this is the case, mostly from within the site itself or the adjacent PRoW, there is a clear distinction between the sites and intervening buildings and soft landscaping that reduce any impact on the setting of the listed buildings and Conservation Area. Noting that the setting of the listed buildings and the Conservation Area are now defined by later residential development, the proposal would preserve the setting of the historic assets and would not harmfully affect their special historic interests. The proposal, therefore, appropriately responds to the surrounding environment and conserves the historic interest of those heritage assets.

7.4.8. Other nearby heritage assets include the Newington High Street Conservation Area and 44 Church Lane (Grade II listed) which are located to the south east of the site but, due to the railway line and other intervening development, it is not considered that the development would impact on the setting of those heritage assets. The same is also true of Parsonage House (Grade II listed) which is to the north of School Lane which is separated from the application site by other dwellings, the school and its grounds and a tree belt.

7.4.9. In considering the impact of this proposal upon designated heritage assets, officers have had regard to the duties of the Council pursuant to the Planning (Listed Buildings and Conservation Areas Act) 1990 and it is concluded that the proposal will preserve the setting of listed buildings and conservation areas, thus complying with policies CP8, DM14, DM32 and DM33 of the Swale Local Plan 2017 and the NPPF.

7.5. **Archaeology**

7.5.1. 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.

- 7.5.2. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, Local Planning Authority's should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.5.3. The KCC Archaeological Officer has set out that the applicant's report has been assessed alongside other evidence available including a report relating to significant findings at 99 High Street, Newington which found very significant, multi-period archaeological remains including a Roman industrial area and a temple. It has been advised that Newington is a focus of Roman settlement, although this was generally focused more to the east of Newington, and a commentary has been provided of the historic reasoning for this including reference to the 'Mill Hill' route which ran through the area. It has also been highlighted that nearby searches have led to Bronze Age and Iron Age remains being found.
- 7.5.4. It has been highlighted that there have been limited investigations on the west side of Newington and consequently the Historic Environment Record is under represented but, as identified by the applicant's study, there is potential Palaeolithic interest in the form of Head deposits in the area with a number of casual finds having been made around the station. Moreover, there is an enclosure noted on aerial photographs near Mill Hill and Mill Hill itself is considered to have potential to be of interest as an attractive location for early activity.
- 7.5.5. Topographically the west side of the site lies within a shallow dry valley. The work by the Canterbury Archaeological Trust identified deep colluvial deposits including traces of prehistoric and Roman pottery as well as medieval and post medieval pottery in the hill wash deposits in the valley. A limited number of poorly dated features were found west of the valley and focused mainly to the north on School Lane.
- 7.5.6. Overall, the KCC Archaeological Officer suggests that *"the site has potential for remains mainly of prehistoric and Roman date given the proximity of Mill Hill though I expect would fall between the two main Roman routes. There is a potential for Palaeolithic and Mesolithic deposits in the Head deposits of the area."*
- 7.5.7. It is advised that there is potential for the development to affect archaeological remains but the KCC Archaeological Officer is *"satisfied that the potential impacts of the scheme on archaeology can be appropriately addressed through further assessment, evaluation and mitigation that can be secured through a condition."*
- 7.5.8. The advice given is considered to be sound and therefore, subject to the imposition of a condition, it is considered that the proposal can be made acceptable and, therefore, the proposal would accord with the requirements of Policy DM34 and the abovementioned section of the NPPF.

7.6. **Living Conditions**

Existing residents

- 7.6.1. Policy DM14 of the Local Plan and the NPPF requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.6.2. To the north east of the site are the properties of 3 to 7 Vicarage Close and The Vicarage. The nearest dwellings within the site (plots 70 and 71) have been designed to each have two first floor windows on the east facing elevation, with one each being able to be obscured glazed as they serve en-suites. In the case of the dwelling on plot 71, the one clear glazed window would be positioned away from the shared boundary with 3 Vicarage Court. As a result of this and north elevations being perpendicular to the adjacent plots of Vicarage Court, the proposals would not cause overlooking or a loss of privacy within those properties to an extent that would represent unacceptable harm. Moreover, the separation distance of 14.5 metres and the dwellings being positioned to not be entirely to the rear of the neighbouring dwellings ensures that the impact on light and outlook would not be unacceptable. The two clear glazed east facing windows would be 5.4 metres from the boundary with The Vicarage and 45 metres from the dwelling on that plot. As a result, whilst there would be some additional views relative to the existing situation, the impact on living conditions, either through light, privacy or outlook, would not be such that the proposal could be deemed to be unacceptably harmful.
- 7.6.3. To the north of the proposed access is 8 Hasted Road. Adjacent to that dwelling would be a substation and a terrace of dwellings which would be positioned away from the shared boundary and in alignment with the existing dwelling. Whilst there is an extensively glazed extension at the side of 8 Hasted Road which has many windows facing towards the proposed development, that part of the dwelling also appears to have rearward facing openings that look out onto the garden of that property and a small forward facing opening. As such, whilst there would be an impact on sunlight at the later part of the day which would detract from living conditions for part of the day, it is considered that there would still be sufficient light received within that part of the neighbouring dwelling and, noting that there is no scope to protect the view from a private property, it is considered that the development would not cause an unacceptable loss of light, privacy or outlook with that neighbouring property. Whilst it is noted that the substation would be close to the neighbouring dwelling, subject to a condition requiring details of its enclosure, it is not expected that this would generate noise that would justify the refusal of the application.
- 7.6.4. That dwelling and the other properties of Hasted Road would experience additional noise and disturbance as a result of the vehicle and pedestrian movements that would occur as a result of the development. This is also true for the properties of Church Lane, to varying degrees and Denham Road, particularly number 2. However, whilst being different than the existing situation, it is not considered that the level of vehicle movements would be unusual within a residential setting. No objection has been raised to the proposal by the Council's Environmental Health Officer in relation to the noise impacts of the proposals.
- 7.6.5. The properties at the northern part of Denham Road have their rear elevation facing the application site. The proposed car park is located to the rear of these properties and, as such, the nearest dwellings are positioned well away from the shared

boundary. The exception to this is the flat at plot 46 which is orientated perpendicularly to those dwellings. As with above, whilst the use of the car park would inevitably cause additional noise and disturbance relative to the existing situation, no objection has been raised by the Council's Environmental Health Officer and, as it is intended to be used by nearby residents, it is not considered that its use would be of a nature that would be at odds with a residential setting.

- 7.6.6. The properties of Westwood Walk would broadly align with the proposed dwellings on plots 1 to 3. The position to the side of the existing dwelling ensures that the impact on light, privacy and outlook within the existing dwellings would be limited and not unacceptably harmful.
- 7.6.7. All other existing dwellings would be located sufficiently far from the proposals for the development to not have an unacceptably harmful impact in terms of light, privacy or outlook and the general impact of noise and disturbance resulting from the use of the dwellings and highways would not be such that it could be argued to be incompatible with an existing residential environment. It is noted that local residents perceive that there would be a loss of rural life, but this is not a factor in the assessment of harm on living condition.
- 7.6.8. The access to the proposed development would be dependent on the provision of parking restrictions within Church Lane and Denham Road which would impact on the ability of some residents to park within the immediate vicinity of their property as they are currently known to do. The representations from interested parties make it clear that this is the case and the full range of consequences are noted including the ability for disabled and less mobile residents to access their properties and move items from their cars to their homes, the potential impact on hobbies which require items to be transported and car insurance premiums. Not all of these matters can be material planning considerations but where they are, it is considered that the primary function of the highway is to enable the movement of vehicles rather than parking and any parking opportunities within a highway are not directly attributable to a property. The convenience of this parking and reliance on this parking is understood but, noting that the affected parking is within a public highway rather than private land or a formally designated parking space and that compensatory parking is proposed, it is not considered that the less convenient provision of parking should be a ground to conclude that the proposal would have an unacceptable impact on living conditions.

Future residents

- 7.6.9. The layout of the proposed development ensures that all plots are served by a private garden area of acceptable size and it is considered that the dwellings are proposed to be arranged in such a way that there would be no issues of unacceptable overlooking within habitable rooms or garden areas. Moreover, it is considered that the spacing between dwellings would ensure that all properties are served by sufficient light. This is even the case at the southernmost part of the site where, although those dwellings and flats would have an outlook towards the railway line and the landscape belt adjacent to it, the relationship is not materially different to that which exists between the railway line and the properties of Westwood Walk to the east. All dwellings would meet conventional size standards and be provided with adequate waste storage provisions.

7.6.10. The dwellings at the southern part of the site would be likely to experience noise from the use of the adjacent railway but this would not be likely to be different to that which is already experienced by the properties at the southern end of Denham Road and elsewhere adjacent to the railway. In this regard it is noted that the submitted Noise Impact Assessment identifies that three properties would have garden areas where the noise would exceed WHO guidelines. However, the Environmental Health Officer has advised that this is “*acceptable in the context of the wider proposed development*”. Consequently, no objection has been raised by the Council’s Environmental Health Officer. From this basis, it is considered that the proposal should be found to be acceptable in this respect.

7.6.11. On the basis of the above the scheme complies with Policy DM14 of the Local Plan.

7.7. **Trees**

7.7.1. Policy DM29 of the Local Plan and the NPPF recognise the contribution of trees to the intrinsic character and beauty of the countryside.

7.7.2. The Council’s Tree Officer has advised that the applicant’s supporting submissions demonstrate that the most important trees can be retained and protected and therefore, subject to the imposition of conditions, no objection has been raised. The landscaping proposals within the development are also considered to be acceptable subject to conditions.

7.7.3. Notwithstanding this, whereas the supporting arboricultural submissions indicated that T28 was to be removed, the ecology and design advice that has been received has requested and supported its retention. The applicant has agreed to this and, therefore, it is considered that the condition proposed with respect to trees incorporates the retention of that tree.

7.7.4. The advice provided is considered to be sound and is agreed with. Therefore, the proposal is considered to accord with the abovementioned policy development plan policy and the NPPF.

7.8. **Ecology**

Habitats

7.8.1. 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.

7.8.2. The application has been the subject of an Appropriate Assessment (AA) under the Habitats Regulations, the conclusion of the AA was that there is a potential risk of harm to the European designated sites at the Swale/Medway SPA and Ramsar Site.

Moreover, there is a potential risk from an invasive, non-native species of plant at the southern boundary of the site (Variegated yellow archangel).

- 7.8.3. The impacts were assessed for this development and this development in combination with other planned development. The AA concludes that these impacts can be mitigated through the eradication of the plant and through a SAMMS payment amounting to £337.49 per dwelling. As a result of these measures, which can be secured, the development would not be likely to have a significant effect on the protected habitats. This stance is supported by the specialist consultee response.

Protected Species

- 7.8.4. 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.’
- 7.8.5. In terms of the Local Plan, Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.8.6. The applicant’s submissions indicate the presence of some protected species at and within the vicinity of the site. Options of protection, re-location and undertaking works under the terms of a license that will be required from Natural England have been set out within the applicant’s supporting submissions. These findings have been found to be acceptable by KCC Ecological Advice Service subject to the imposition of conditions. From this basis, no objection is raised to the proposal on the grounds of the impact on protected species.

Biodiversity Net Gain (BNG)

- 7.8.7. This application was submitted after the commencement of Mandatory BNG and is therefore required to deliver at least a 10% BNG under the Environment Act 2021. The application submissions demonstrate that a 12.1% BNG would be achieved on-site and this has been corroborated by KCC Ecological Advice Service. This is considered to be able to be secured through conventional conditions relating to this matter.

- 7.8.8. As a result of the above the scheme complies with policy DM28 of the Local Plan and the relevant paragraphs of the NPPF.

7.9. Transport, Highways, Access and Parking

- 7.9.1. Local Plan Policies CP2 and DM6 promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. Policy DM7 of the Local Plan requires parking provision to be in accordance with the Council's Parking SPD. The requirement to "*achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services, together with parking and servicing facilities in accordance with the County Council's standards*" is also set out within Policy DM14.
- 7.9.2. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that:

"Development should 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."

Sustainable Transport

- 7.9.3. The distances to Newington Railway Station and the closest bus stops of the A2 are set out above. It is considered that the availability of these services means that the development site is reasonably well served by public transport options. Moreover, whilst the comments of interested parties are noted, it is considered that there is a reasonable range of shops, services and other comparable facilities within Newington which would enable many residents to access facilities and services and meet many day-to-day needs by walking and cycling to local facilities rather than having a need to travel for all services.
- 7.9.4. The applicant has submitted a draft travel plan which includes various measures to attempt to promote sustainable modes of transport. Whilst most are appropriate, it is considered that a contribution to a cycle share facility would be ineffective in this instance. Therefore, it is considered that an amended travel plan should be submitted, agreed and monitored under the terms of a condition.
- 7.9.5. It is noted that level access to west bound railway services is prohibited by virtue of there only being a pedestrian footbridge to that side. This is unfortunate and it is noted that this would prevent usage by those that are not able to use stairs. The Council is required to have due regard to the Public Sector Equality Duty by virtue of the Equality Act 2010 and as such, the decision maker should have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. For the purposes of the Equality Act, protected characteristics include disability. It is understood that there is a convoluted work around relying upon travel to an alternative station and then a return to the

accessible platform which is not ideal and not fostering of good relations and could impact on the equality of opportunity. However, this is already the case and it is not considered that harm would arise that is not outweighed by the wider public benefit of providing housing and, in this case, some housing that would accord with the M4(3) standard. Consequently, whilst due regard has been had to the public sector equality duty, it is not considered that doing so should alter the overall conclusion that is reached below.

Public Right of Way

- 7.9.6. The proposal would include a footway link to the west comprising of a new route that would connect to PRow ZR38 which leads through under the railway line to Wickham Close and on to the A2. The KCC Public Right of Way Officer supports this subject to a contribution towards the upgrade of the PRow and the Highway Authority is also supportive provided that the proposed footpath is of suitable construction to enable its use throughout the year. From this basis, the proposal is considered to be acceptable in terms of aiding and encouraging use of the PRow and also through mitigating the impact of that use on the PRow. The proposal is, therefore, considered to accord with the NPPF which states that planning decisions should protect and enhance public rights of way and access and take opportunities to provide better facilities for users.

Highway Safety and Access

- 7.9.7. The vehicular and pedestrian access arrangements are set out within the description of the proposal. Moreover, the proposed parking restrictions within surrounding highways have been described above.
- 7.9.8. The development would see an uplift in vehicle movements along Church Lane and it is recognised that this is a lane of narrow proportions with pinch-points caused by parked cars and the railway bridge. The existing situation is known to cause difficulties for existing users, particularly within the carriageway where the situation is often undesirable for drivers and cyclists. The primary school and church are trip generators that draw traffic northwards from the A2 and it is known that the rural lanes to the north of Newington are used by those wishing to avoid traffic and the regular roadworks that occur along the A2. It is noted that this was reflected in the appeal decision for the nearby 'School Lane' site where the Inspector said *"Church Lane is narrow and a challenge for the driver in either direction given the manner in which vehicles are parked along it. I have no doubt that this must lead to difficulties for drivers, particularly where the road passes under the railway bridge. Moreover, I experienced for myself the difficulties involved in turning into Church Lane from the High Street (the A2), and emerging from Church Lane on to High Street, particularly when turning right."* This did not, however, prevent the Inspector finding that development acceptable.
- 7.9.9. It is noted that trip rates from the development have been contested by the Highway Authority and by the Parish Council's representative. Subsequently, amended trip rates have been utilised, at the acceptance of the Highway Authority. In this regard, it is noted that the trip rates are different to those that were referenced in the abovementioned School Lane appeal. However, it is also the case that the School Lane trip rates were taken from TRICS evidence available at that time, which was based on surveys of seven sites between 2013 and 2018. Conversely, the current

application has based its assessment on TRICS data that is based on a greater number of surveys between 2010 and 2024 (excluding Covid effected surveys). From this basis, whilst the criticisms of the assessment are noted, it is considered that the assessment of the Highway Authority is sound.

- 7.9.10. The approach suggested by the applicant to mitigate the impact of the proposal in this context is to reduce the amount of parked cars within Church Lane, thereby creating space for vehicles to wait to give way to on-coming traffic whilst also creating less obstacles to the free-flow of traffic. This approach has been concluded to be acceptable by the Highway Authority. In this regard, whilst all the criticisms of the applicant's submissions that have been provided by the Parish Council's representative have been considered and it is noted that they conclude that there "*may be an increase in congestion and queuing on Church Lane*" it is perhaps noteworthy that the assessment does not go so far as to suggest that the impact would be severe, which is the test within the NPPF, and it is considered that most weight should be given to the conclusion of the Highway Authority who have found the proposal to be acceptable.
- 7.9.11. The impact of traffic on the junction of Church Lane and High Street is also proposed to be addressed through the use of parking restrictions, which would create more space for cars to wait for other vehicles to pass, and through the use of "Keep Clear" markings. These measures are considered to be acceptable by the Highway Authority who have concluded that "*in all future scenarios, Church Lane/A2 junction is expected to operate within capacity.*" From this basis, whilst all the criticisms of the applicant's submissions that have been provided by the Parish Council's representative have been considered and it is noted that they conclude that "*there is a significant risk that the proposals will lead to unacceptable highway safety issues at the High Street/Church Lane junction*", it is considered that most weight should be given to the conclusion of the Highway Authority.
- 7.9.12. An impact of the abovementioned parking restrictions is that it results in a loss of on-street car parking which is considered elsewhere in this report. Assessing this aspect of the proposal solely in relation to highway safety, it is considered that removing parked cars would be likely to reduce the number of conflicts that occur and improve safety, addressing the situation that is the basis for many of the objections that have been received.
- 7.9.13. The proposed increase of vehicle movements has been forecast to have an impact on vehicles using the Key Street roundabout. A financial contribution of £104,603.52 would therefore need to be secured, if this development were to be approved, with it being a condition of HIF funding that developments which rely on the works that are being undertaken to Key Street continue to make contributions to enable the funding to be recovered.
- 7.9.14. In terms of the dimensions and arrangement of the access into the site, the Highway Authority have confirmed the acceptability of the proposal and it is considered that adequate visibility splays would be able to be provided and it is noted that dropped kerbs for pedestrian use will be sought through a Section 278 agreement. However, details of certain elements of the proposal are requested to be submitted and agreed through the imposition of conditions. These include further details of the road and

footway widths, materials, service margins and visibility splays within the site. Accommodating these elements may require some minor alterations to the fringes of the roads that are shown, but it is considered that these can be addressed through a suitably worded condition.

- 7.9.15. It is considered that a condition should be imposed to require details to be provided and implemented of measures to ensure that the emergency access at the north west corner of the site is not used as an alternative means of accessing either of the respective developments by non-emergency vehicles.
- 7.9.16. It is noted that interested parties have suggested various other means of providing an access to the site. Given the presence of the railway line and other existing dwellings, it is likely that these would be unfeasible or unviable for a development of this scale. Moreover, whilst a link to the applicant's School Lane development might be more achievable, this would be a less direct route and require vehicles to use School Lane and Church Lane, thereby re-directing the impacts rather than removing them, benefitting some but not others. In any case, the Council is required to consider the proposal that is before it and determine the application on the basis of the plans that have been submitted rather than any other scheme that interested parties might have wished to see.

Parking Provision

- 7.9.17. Policy DM7 indicates that the Council's parking standards will be applied. Of relevance to the accommodation proposed within this application, the Council's Parking Standards require the provision of 2-3 car parking spaces per 3 bed and 3 spaces per 4 bed house, 1 to 2 spaces per smaller houses and 1 space per flat with one cycle parking space per bedroom.
- 7.9.18. The Council's parking standards have been met by the proposals with adequate parking being provided for all of the proposed dwellings. Moreover, with the exception of the proposed flats, adequate cycle parking arrangements are shown. A condition can be imposed to ensure that this is also provided for the proposed flats. Moreover, whilst it is noted that the garages on plots 29 and 90 are not of sufficient length to accord with the Council's Parking Standards, the garages are deep enough to accommodate a car and, as each dwelling is shown to be served by 4 parking spaces, even if half of the garage is used for storage and cycle parking to accommodated as a result of the shortfall of the garage length, there would still be ample parking for each dwelling to accord with the parking standards.
- 7.9.19. The comments of the Parish Council in relation to tandem parking are noted. In this regard, it is noted that the Council's parking standards refers to some difficulties in relation to the layout of tandem parking where it impacts on the use of garages and includes a requirement for spaces to measure 6.0m and 5.0m in length. The guidance does not, however, preclude tandem parking.
- 7.9.20. In terms of the impact on existing on-street parking, it is noted that the proposal would cause a loss of parking through the use of additional parking restrictions. The parking

restrictions in Church Lane (dividing the length of the parking restrictions by the length of a car parking space and making allowance for it being unfeasible for cars to park on both sides of the road at the same time and noting that some of the markings extend across dropped kerbs) would amount to 11 full parking spaces being lost. Approximately 8 further spaces would be lost within Denham Road, with this figure being based on a 20m stretch of parking restriction to the east of Hasted Road and the loss of the parking that occurs within the turning head. These figures would, however, reduce even further if no parking was to occur within 10 metres of a junction or opposite a junction as is advised within the Highway Code. Consequently, in terms of numbers, the provision of 23 parking spaces would more than compensate for this loss of parking space. Moreover, given the small impact on parking within the immediate vicinity of the village, it is not considered that this would be likely to be an unacceptable impact and, in any case, that could be controlled through other means.

- 7.9.21. The convenience of use is largely considered in the living conditions section. However, in relation to highway matters, the Highway Authority have accepted that the parking court has been provided in response to a parking beat survey that has been undertaken and, provided that it is of sufficient quality to encourage its use, it is considered that it is an acceptable re-provision.
- 7.9.22. Whilst it is noted that the Highway Authority have suggested the imposition of a condition relating to the provision of Electric Vehicle charging. It is not considered that such a condition is necessary due to the matter being addressed by Building Regulations.

Other Matters

- 7.9.23. Whilst the Parish Council's representative has raised concerns about refuse collection, the applicant's submissions show that adequate refuse collection arrangements would exist in most respects. Concern about 'drag distance' relative to plots 80 and 90 was raised by the Highway Authority but this was resolved and, therefore, no objection is raised on this ground.
- 7.9.24. As identified within the summary of objections and planning history, it is noted that an agricultural field access was refused in November 2010 on the grounds that the proposal would result in the loss of dedicated parking facilities, cause the displacement of parking to surrounding roads and increase the risk of hazards to all road users. Moreover, that application was refused on the grounds that Denham Road, by virtue of its width and residential status, would be unsuitable for use by agricultural vehicles. However, the nature of the proposals is different, with sufficient mitigation measures proposed in order to address the loss of parking. Given that decision was reached 15 years ago, it is considered that the previous application should not be determinative in this case, particularly noting that the Highway Authority consider the proposal to be acceptable.

Overall

7.9.25. The proposed development is considered to be acceptable in all respects related to highway impacts and would not have a traffic impact that is severe. It is noted that the Highway Authority, the Public Right of Way Officer and the Council's Active Travel Officer have found the proposal acceptable and, whilst regard has been had to the comments of interested parties and the specialist assessment that has been provided on behalf of Newington Parish Council, it is considered that the advice provided by the consultees is sound. Consequently, neither the development plan nor the NPPF indicate that the application should be refused on these grounds.

7.10. **Air Quality**

7.10.1. 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. Of particular relevance to this case is that the High Street, Newington Air Quality Management Area (AQMA) extends along the A2 and, as such, will be the inevitable route of most traffic resulting from the occupation of the site and the undertaking of the development. A further AQMA exists to the east, at Keycol Hill which would be a focus for much of that same traffic that heads east.

7.10.2. Policy DM6 of the Local Plan sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.

7.10.3. 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.

7.10.4. The Planning Practice Guidance on Air Quality (Paragraph: 005 Reference ID: 32-005-20191101) states that:

“whether 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 have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

7.10.5. The Council's Environmental Health Officer initially identified that, whilst generally acceptable, further air quality mitigation was required based upon a damage cost calculation equating to £21,627. However, following the submission of additional information, that Officer has been satisfied that there is no longer a requirement to secure any form of mitigation beyond the matters that are proposed within the

applicant's assessment. The measures intended to be utilised to mitigate air quality impacts during the "operational" phase include the provision of cycle stores, the agreement, implementation and monitoring of a travel plan, the distribution of travel packs, the use of air source heat pumps and the provision of a footpath at the west of the site. During the construction phase, measures would include the adoption of a Construction Environment Management Plan which would be secured by condition. From this basis, subject to a condition requiring the implementation of the measures within the submitted Air Quality Assessment, no objection is raised on the grounds of the air quality impact of the proposal and the proposal is considered to accord with the abovementioned development plan policy and the NPPF.

- 7.10.6. It is noted that the matter of air quality was considered extensively in relation to application 20/505427/OUT (and appeal APP/V2255/W/21/3271838) at Pond Farm, Newington, and through court cases that followed the dismissal of the appeal. However, since that time, the Council has adopted its Air Quality and Planning – Technical Guidance (July 2024) and this application has been considered in light of the supporting evidence which has been found to be acceptable by the Council's Environmental Health Officers. On this basis and noting the history of that nearby site, which was subsequently granted planning permission under the terms of application 22/500275/OUT (and appeal APP/V2255/W/23/3318448) subject to a suite of mitigation measures relating to air quality that are comparable in nature to the measures that are now being relied upon by the applicant, it is not considered that the earlier appeal that was the subject of challenge should be determinative in this case.

7.11. **Community Infrastructure**

- 7.11.1. Policies CP5 and CP6 of the Local Plan set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.
- 7.11.2. 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
- 7.11.3. The following outlines the financial contributions that are necessary to mitigate the impact of the development upon services, with these contributions all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).
- 7.11.4. The following financial contributions have been sought by KCC Economic Development and Investment Team, KCC Highways, the NHS and Swale Borough Council to mitigate the impact of the development upon services.

KCC Contribution Requests		Total
Primary Education	£7,081.20 per dwelling £1,770.30 per flat	£591,280.20
Secondary Education	£5,587.19 per dwelling £1,396.80 per flat	£466,530.38
Special Educational Needs and Disabilities (SEND)	£559.83 per dwelling £139.96 per flat	£46,745.82
Integrated children's services	£74.05 per dwelling	£6,546.40
Libraries	£62.63 per dwelling	£5,636.70
Adult Social Care	£180.88 per dwelling	£16,279.20
Community learning	£34.21 per dwelling	£3,078.90
Waste	£194.13 per dwelling	£17,471.70
Highways Improvements at Key Street roundabout		£104,603.52
Public Right of Way Improvements		£14,000
NHS Contribution Requests		
NHS contribution	£360 per occupant	£91,620
Swale Borough Council Contribution Requests		
Swale Bin provision		£11,575.32
SAMMs	£337.49 per dwelling	£30,374.10
Formal sport provision	£729.57 per dwelling	£65,631.30

- 7.11.5. 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, required by policy and necessary to make the development acceptable in planning terms to provide sufficient community infrastructure to serve additional populations. The applicant has agreed to pay contributions in each of these respects with the only one that is unresolved being the highway improvements contribution where the need for a contribution is agreed but the amount is disputed. The applicant is suggesting that, with the exception of the SAMMs payment, half of each contribution is paid prior to the first occupation of any dwelling and half is paid prior to the occupation of the 45th dwelling. These trigger points have not been agreed and will be discussed during negotiations related to the completion of a legal agreement.
- 7.11.6. Subject to all necessary contributions being secured in a 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 2017, and the NPPF.
- 7.11.7. It is noted that several comments received from interested parties raise concerns about the strain on existing health and education facilities and the ability for these facilities to cope with the additional demand that would result from additional residents being within the locality. In this regard, it is considered appropriate to stress that planning obligations can only be sought that are reasonably related in scale and kind to the proposed development. The role of planning obligations is to mitigate the impact

of development rather than solve pre-existing capacity issues and from this basis, it is considered that the development making a proportionate contribution to these facilities should be considered acceptable.

7.12. Open Space

- 7.12.1. Policy DM17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor open space proportionate to the likely number of people who will live there. This space should be fully accessible all year round.
- 7.12.2. The applicant's submissions demonstrate that there would be an overprovision of open space at the site relative to the standards that are set out within Policy DM17. The details of this will be able to be secured by condition to ensure that it is of sufficient quality and usability, with particular attention being paid to the play space that is shown to the west of the site. However, as set out above, to meet the increased demand on sports facilities, a contribution of £65,631.30 has been sought and is considered to meet the relevant tests. Subject to these matters being suitably secured, the proposal is considered to accord with the abovementioned policy.

7.13. Flood Risk, Drainage and Surface Water

- 7.13.1. Policy DM21 of the Local Plan and the NPPF requires that Local Planning Authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed.
- 7.13.2. The site is within Flood Zone 1 in terms of fluvial and tidal flood risk. However, the Environment Agency (EA) mapping indicates that three small parts of the site are susceptible to surface water drainage flood risk and, as such, the sequential test would be applicable.
- 7.13.3. In this case, the search area for the sequential test can reasonably be limited to a very small area by virtue of the inclusion of the public footpath within the site, which would link to the public right of way. Whilst partially mitigating the impact of the development, this goes beyond what would be needed to enable pedestrian access to the site and would be able to be used by the wider community in such a way that it can be considered to represent a benefit of the proposal. There are no other locations within the area that could achieve this without interacting with land at risk of surface water flooding whilst also accommodating a development of the scale that is proposed. Therefore, it is considered that the proposal would pass the sequential test.
- 7.13.4. The submitted Flood Risk Assessment demonstrates that the site would not be at risk of flooding once measures of mitigation and suitable design have been incorporated and would not increase flood risk. From this basis, the proposal is acceptable in terms of residual flood risk and, if the exception test was required to be passed, it would be as a result of this and the wider sustainability and public benefits that are mentioned in the paragraph above and elsewhere in this report.

- 7.13.5. Moreover, the proposal would include Sustainable Urban Drainage provisions which, subject to conditions, would meet the requirements of the Lead Local Flood Authority.
- 7.13.6. Southern Water have indicated that, subject to Southern Water providing any necessary capacity which they are statutorily required to do, the proposed development would be able to be accommodated within the network. Therefore, they raise no objection to the proposal. A condition suggested in relation to the positioning of trees is considered to be addressed through the conventional landscaping condition.
- 7.13.7. Overall, the proposal would accord with the abovementioned development plan policy and the NPPF insofar as it relates to flood risk, drainage and surface water.

7.14. Contamination

- 7.14.1. Policy ST1 of the Local Plan states that development proposals shall conserve and enhance the natural environment by applying national planning policy in respect of pollution, despoiled, degraded, derelict, contaminated, unstable and previously developed land. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 7.14.2. Subject to a condition, the Environmental Health Officer has raised no objection to the proposal on the grounds of potential contamination which is considered to be sound advice given the agricultural use of the land. From this basis, the proposal is considered to accord with the abovementioned policy.

7.15. Sustainability / Energy

- 7.15.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change.
- 7.15.2. The applicant has submitted an Energy and Sustainability Statement which indicates that there would be a 66.4% reduction of carbon dioxide emissions compared to a dwelling that is built to accord with building regulations. The proposals would include measures to increase energy efficiency (including high-performance building envelopes) and utilise renewable energy (through the provision of Air Source Heat Pumps). Consequently, subject to the imposition of a condition to secure compliance with the measures that have been detailed, the proposal would accord with the abovementioned policy.

7.16. Other matters

- 7.16.1. A condition can be imposed to require lighting to be agreed prior to its installation. This is required in the interests of protecting biodiversity but would also be used to prevent light pollution which has been a concern of an objector.
- 7.16.2. No objection has been raised by KCC Minerals Team on the grounds of the impact on safeguarded minerals and there is no known reason to disagree with this conclusion.

- 7.16.3. The applicant has submitted an Economic Benefit Statement which indicates that the three year construction process would generate 81 FTE jobs, of which 56 would be within the Swale Borough. The temporary economic benefit has been assessed to be £15.2 million of which £10.5 million would be within the Swale Borough. The applicant also considered that 122 residents would be in employment, with an economic output of 8.3 million, of which £4.6 million would benefit the Swale economy. The applicant has forecast that £1.4 million would be spent on retail, leisure and service goods per year by occupants. Moreover, there would be Council Tax receipts to a value of £199,000 per year and a New Homes Bonus of £190,000.
- 7.16.4. Whilst the concerns of interested parties are noted, there are no reasonable grounds to suppose that future residents of this development would be any more or less likely to cause anti-social behaviour than the residents of any other dwelling. Moreover, the lack of a police presence within the area is a matter that would be addressed by other organisations and is outside the remit of the planning regime.
- 7.16.5. Whilst the comments received from interested parties and Kent Police are noted with respect to surveillance of the proposed communal car parking area, it is noted that the side elevation of the adjacent dwelling (plot 47) would feature side facing windows that would look towards this area. Moreover, the forward facing windows of the dwellings on plots 52 to 54 would face the entrance and the flat above the garaging at plot 46 would have rear facing windows facing that area. Consequently, it is considered that there would be sufficient natural surveillance.
- 7.16.6. The future maintenance, management and availability of public and communal areas including the open space, footpath and car park can be controlled through a planning obligation.
- 7.16.7. Notwithstanding affordable housing nomination rights, it is not considered that the former address of potential residents of the proposed development could be a reason to find the development unacceptable.
- 7.16.8. The concerns raised by interested parties about the cumulative impacts of developments in and around Newington are noted and it is recognised that the character of a rural area will inevitably erode where development is undertaken. To varying degrees this factor is considered to be inherent to a number of considerations including the application of the Council's Settlement Strategy and the assessment of the visual impact. For the reasons given, no objections are raised on these grounds. Similarly, whilst the Parish Council and other parties have commented on the number of dwellings approved in the area in the past 15 years, each proposal has to be considered on its own merits and, as will be undertaken below, a judgement has to be made as to whether further development is acceptable based on those merits.
- 7.16.9. Several appeal decisions from the locality and wider area have been cited by Newington Parish Council and interested parties, some of which have been addressed

above. Other dismissed appeals include decisions relating to 132 High Street (application 19/500029/FULL), 148 High Street (19/505596/FULL) and 6 Ellens Place (19/503203/FUL). Whilst some had elements that were specific to those cases, it is noted that each was dismissed on the grounds of the conflict with the settlement strategy at a time when the Council was not able to demonstrate a 5 year housing land supply. This matter, and the weight to give that conflict is considered elsewhere.

7.16.10. A dismissed appeal at Land to East of St Marys View, Newington (application 15/509664/OUT) is also noted. In that case, the Inspector found the highways impacts acceptable but the proposal was found unacceptable on the grounds of loss of agricultural land and the landscape impact. These matters have been considered above, with regard being had to a more recent appeal decision.

7.16.11. The cited dismissed appeal at Jubilee Fields, Upchurch (19/501773/OUT) is noted insofar as it relates to the conflict with the settlement strategy at a time where an inadequate housing supply existed. However, the content of that decision relates very specifically to the circumstances of Upchurch rather than Newington and, as such, it is not considered to be determinative. The same is also considered to be true in respect of dismissed appeal in Hartlip.

7.17. **Planning Balance – Benefits and Harm**

7.17.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

7.17.2. In this case conflict with policies in the development plan have been identified as set out above. This primarily relates to conflict with policies ST1, ST3 and CP3 by virtue of the development being outside the built-up area boundary and, therefore, being within the countryside and contrary to the Council's Settlement Strategy. The proposal also conflicts with Policy DM31 as it would result in the loss of Best and Most Versatile Agricultural Land and the visual impact on the landscape conflicts with Policy DM14 (albeit not Policy DM24). Consequently, the development does not accord with the development plan.

7.17.3. The NPPF is a material consideration and, as the Council are unable to demonstrate a 5-year supply of housing land, paragraph 11.d of the NPPF is engaged. This states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 7.17.4. In this case, there are no protected areas or assets of particular importance that would be impacted in such a way that this would represent a strong reason for the refusal of the application. Consequently, it is necessary to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This assessment is carried out below.

Benefits

- 7.17.5. The primary benefit of the proposal is the provision of 90 residential units at a time when the Council does not have a five year housing land supply. This is often afforded significant weight and it is considered appropriate to do so in this case.
- 7.17.6. Moreover, whilst the benefit is moderated by virtue of the fact that the affordable housing mix does not align proportionately with the needs of the Borough, there is a need for the housing that is proposed and the benefit of securing such housing can be given significant weight.
- 7.17.7. The provision of an improved footpath to link the north and south of Newington is considered to be a benefit of the proposal which is afforded moderate weight. Similarly, the achievement of a small amount of BNG beyond the 10% minimum and the achievement of energy efficiency which goes beyond the standards required and the use of renewable energy within the development should be viewed as a benefit of the proposal, albeit the weight to give this is considered to be limited due to these being conventional aims of planning policy. In addition, a temporary economic benefit would arise during the construction process and there would be subsequent economic benefit through the support for local shops and services which would be moderate given the scale of the development in the context of the settlement of Newington. The applicant's forecast economic benefits are set out above.

Harm

The harms are those that have been set out at 7.17.2. It is considered that the conflict with the settlement strategy can only be given limited weight as there is no allowance for built-up area boundaries within the NPPF and the built-up area boundaries as currently drawn are not providing the required level of residential development. Moreover, in line with other appeal decisions, the loss of BMV agricultural land can, at most, be given moderate weight. Although there is not harm arising from the proposal to the degree that there is conflict with Policy DM24, it is considered that the

development would cause a moderate degree of landscape harm, albeit at a localised level. This harm is afforded moderate weight.

NPPF Balance

- 7.17.8. Based on the above, it is not considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

7.18. **Conclusion**

- 7.18.1. The proposal is contrary to the development plan. However, the NPPF is a material consideration which indicates that planning permission should be granted. In this case, it is considered that the NPPF can be considered to outweigh the harm that would arise from the conflict with the development plan and therefore, on balance, it is recommended that planning permission is granted subject to conditions and the planning obligations pursuant to those discussed at paragraphs 7.2.25 to 7.2.29 (affordable housing), 7.11.4 (financial contributions) and 7.16.6 (maintenance, management and availability of open space, public and communal areas) subject to any amendments deemed necessary by the Head of Planning.

- 7.18.2. In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.

7.19. **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.

Plans

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

Received 24/02/2025

029_31073A_001 - Site Location Plan
029_31073A_010 - Site Block Plan
029_31073A_200 P1 - Plot 1.2.3 Plans and Elevations
029_31073A_201 P1 - Plot 4.5.6.7.8.9 Plans and Elevations

029_31073A_202 P1 - Plot 10.11.12 Plans and Elevations
029_31073A_203 P1 - Plot 13.14 Plans and Elevations
029_31073A_204 P1 - Plot 15.16 Plans and Elevations
029_31073A_205 P1 - Plot 17.18 Plans and Elevations
029_31073A_207 P1 - Plot 21.39.69.80.87 Plans and Elevations
029_31073A_209 P1 - Plot 23.57.67.77.84 Plans and Elevations
029_31073A_210 P1 - Plot 25.63.72.81 Plans and Elevations
029_31073A_211 P1 - Plot 26.79.82 Plans and Elevations
029_31073A_215 P1 - Plot 30.31.42.43.49.50 Plans and Elevations
029_31073A_216 P1 - Plot 32.33 Plans and Elevations
029_31073A_217 P1 - Plot 34.35.44.45 Plans and Elevations
029_31073A_218 P1 - Plot 36.37 Plans and Elevations
029_31073A_219 P1 - Plot 46 Plans and Elevations
029_31073A_220 P1 - Plot 47.48 Plans and Elevations
029_31073A_221 P1 - Plot 51 Plans and Elevations
029_31073A_224 P1 - Plot 62 Plans and Elevations
029_31073A_225 P1 - Plot 66.86 Plans and Elevations
029_31073A_228 P1 - Plot 76 Plans and Elevations
029_31073A_229 P1 - Bin & Bike Store Plans and Elevations
029_31073A_400 P1 - Proposed Street Elevations
33628 H-02 P2 – Off-Site Highway Improvements

Received 03/06/2025

029_31073A_100 P2 - Proposed Site Layout Plan
029_31073A_102 P2 - Proposed Coloured Site Plan
029_31073A_108 P1 - Proposed Parking Strategy Plan
029_31073A_110 P1 - Proposed Building Heights Plan
029_31073A_112 P1 - Proposed Housing Mix Plan
029_31073A_114 P1 - Proposed Fire Strategy Plan
029_31073A_116 P1 - Proposed Refuse Strategy Plan
029_31073A_118 P1 - Proposed Boundary Treatment Plan
029_31073A_120 P1 - Proposed Air Source Heat Pump Plan
029_31073A_122 P1 - Proposed Affordable Housing
029_31073A_126 - Proposed Bollard Lighting Plan
029_31073A_128 - Movement Plan
029_31073A_212 P1 - Plot 27 Plans and Elevations
029_31073A_213 P2 - Plot 28.73.78.89 Plans and Elevations
029_31073A_214 P2 - Plot 29.90 Plans and Elevations
029_31073A_222 P2 - Plot 52.53.54 Plans and Elevations
029_31073A_223 P2 - Plot 59.60.61 Plans and Elevations
029_31073A_227 P1 - Plot 70.71 Plans and Elevations
6612-LLB-XX-XX-D-L-0001-S4 P04 - Landscape Masterplan
33628 H-01 P2 - Proposed Access Arrangement
33268-H-03 P2 – Internal Visibility Splays

Received 20/06/2025

029_31073A_206 P3 - Plot 19.20.24.38.58.74.75.83.85.88 Plans and Elevations
029_31073A_208 P2 - Plot 22 Plans and Elevations
029_31073A_226 P2 - Plot 68 Plans and Elevations

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

Archaeology

3. 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.

Following completion of archaeological evaluation works (if it is identified that further works are required), 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.

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

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

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

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

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

Construction Management Plan

4. Prior to the commencement of the development hereby approved, a Construction Management Plan comprising of
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) a Dust Management Plan (according with 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')
 - (g) details of all other measures require to accord with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites

shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in full compliance with the approved Construction Management plan.

Reason: To control the construction process in the interests of highway safety, neighbouring living conditions and air quality.

Ecological Mitigation Strategy

5. No development shall be undertaken (including any site and/or vegetation clearance) until an Ecological Mitigation Strategy (EMS) which contains full details of the measures outlined in section 9 of the submitted Ecological Assessment (Bakerwell, February 2025) have been submitted to and approved in writing by the local planning authority. The EMS shall include consideration of the following:
- Measures to avoid impacts to roosting bats;
 - Measures to avoid indirect impacts to foraging and commuting bats with adherence to a sensitive lighting scheme;
 - Measures to avoid impacts to individual reptiles;
 - Licensed and non-licensed measures to avoid and mitigate impacts to badgers;
 - Measures to avoid impacts to nesting birds; and
 - Measures to control the spread of invasive non-native species (INNS).

The approved EMS shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To avoid an offence under the Wildlife and Countryside Act 1981 and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

Sustainable Drainage

6. Prior to the commencement of development, a detailed sustainable surface water drainage scheme for the site (based upon the Flood Risk and Drainage Strategy prepared by Civil Engineering Practice, February 2025) shall have been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- that any required agreements for offsite drainage connections have been secured.
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling or in accordance with a timetable of works that shall have been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any dwelling.

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.

Tree Protection

7. Prior to any works occurring within 20 metres of the Root Protection Zone of the tree marked T28 within the Tree Protection Plan that has accompanied the application, details of the means of protecting that tree during the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, all approved means of protecting that tree shall be installed and retained at all times when work is occurring within 20 metres of the Root Protection Zone of that tree.

Otherwise, all tree protection measures detailed within drawings numbered 6612-LLB-XX-XX-DR-Ab-0003 Rev P03 (sheet 1 of 2 and sheet 2 of 2 inclusive) shall be adhered to all times.

Reason: In the interests of tree protection and all the visual and environmental benefits that arise from the retention of trees.

Contamination (Pre-Works)

8. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

- i) A remediation method statement (RMS) based on the site investigation submitted with this application. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

All required remediation shall be undertaken prior to the occupation of any dwelling that is hereby approved.

Reason: To ensure that any contamination is adequately addressed.

Contamination (Post Works)

9. Upon the completion of works required by condition 8 and prior to the occupation of any dwelling a Verification Report shall be submitted. The Verification Report shall include full verification details as set out in the approved Verification Plan. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that any contamination is adequately addressed.

Open Space and Landscaping

10. No development above floor slab level shall take place until full details of both hard and soft landscape works, including any play space provisions and footpaths, have been submitted to and approved in writing by the Local Planning Authority.

These details shall include, planting schedules of plants, noting species (which shall include be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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 character, appearance and assimilating the development into the setting.

Open Space and Landscaping

11. 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

Road Design and Detail

12. Prior to any works occurring above slab level, details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the final detail of the development is acceptable in terms of highway safety, accessibility and visual amenity.

Lighting

13. Prior to the commencement of works above slab level, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as ISO lux plan(s) showing light spill. It shall be clearly demonstrated that areas to be lit shall not impact protected species or their habitats. All external

lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c).

Habitat Management and Monitoring Plan

14. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the local planning authority. This shall include:

- a non-technical summary;
- details of the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- details of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- details of the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- details of the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990

Biodiversity Enhancement Plan

15. Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP), including a timetable for the installation of all proposed features of that plan, shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of biodiversity enhancements which shall include:

- a) The provision of 9 or more durable and suitably-located nest boxes for wild birds;
- b) The provision of 20 or more durable and suitably-located bat boxes/tubes;
- c) The provision of 2 or more durable and suitably-located insect features;
- d) Details of the provision of gaps in closed board fencing to aid hedgehog movement.

The approved plan shall be implemented as approved and in accordance with the approved timetable and all features of that plan shall be retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in

order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Materials and Details

16. Prior to their use within the development hereby approved, details of any exterior materials to be used within the proposed development (including but not limited to bricks, weatherboarding, hanging tiles, roof tiles, windows, doors, guttering and soffits) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken using the approved materials.

Reason: In the interests of ensuring that the development is of high quality and reflects the character and appearance of the locality.

Boundary Treatments

17. No dwelling shall be occupied until the boundary treatments shown on plan 029-118 Revision P1 to enclose that property, or some other such boundary treatment that shall have been approved in writing by the Local Planning Authority prior to the occupation of that dwelling, has been installed in accordance with the details set out on that plan and the materials approved under the terms of condition 16.

Reason: In the interests of ensuring that private gardens are of suitable usability and in the interests of the character and appearance of the site and the surrounding area.

Communal Car Park

18. Prior to the first use of the communal car parking area at the east of the site, located to the rear of 2 to 14 Hasted Road, details of the proposed hardstanding material and any proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the whole communal car parking area (comprising of 23 car parking spaces) shall be laid out and enclosed in accordance with the approved details and made available for use prior to the occupation of any of the dwellings hereby approved.

Reason: In the interests of ensuring that the approved parking is provided and to ensure that the development is of high quality and reflects the character and appearance of the locality.

Parking Space Provision and Retention

19. No dwelling hereby approved shall be occupied until the parking shown to serve that dwelling on plan 029-108 Revision P1 (including garages, car ports, undercover parking and surface parking) , or some other such parking provision

that shall have been approved in writing by the Local Planning Authority prior to the occupation of that dwelling, has been provided and made available for use by the occupiers of that dwelling. Moreover, all visitor spaces shall be provided prior to the occupation of the dwelling that is closest to that parking space.

Reason: To ensure the provision of adequate car parking.

Cycle Parking Provision and Retention (General)

20. No dwelling hereby approved shall be occupied until the cycle storage facility shown to serve that dwelling on plan 029-108 Revision P1, or some other such cycle storage facility that shall have been approved in writing by the Local Planning Authority prior to the occupation of that dwelling, has been provided and made available for use by the occupiers of that dwelling. Where that cycle storage facility is not within a garage, the cycle storage facility shall be provided in accordance with plans that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate cycle parking and to reflect that the height of the proposed cycle store is not clear within the submitted plan, thereby requiring further information to be provided in order to ensure usability.

Cycle Parking Provision and Retention (Flats on Plots 4 to 9)

21. Prior to the occupation of any of the flats on plots 4 to 9 (inclusive) cycle parking shall be provided to serve the occupiers of those flats in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision of adequate cycle parking and to reflect that the submitted plans shown no cycle parking for those flats.

Provision of Access

22. No dwelling shall be occupied until the access into the site has been completed in accordance with the plans hereby approved.

Reason: To ensure the provision of a safe access to the site and ensure that the proposal is not detrimental to highway safety and the flow of traffic.

Off-Site Highway Works (Section 278)

23. No development shall take place above slab level until a s.278 application has been made for off-site highway works as shown on drawing no. 33628 H-01 P2. The development shall be implemented in accordance with the outcome of that

s.278 application and any offsite highway works required by the s.278 application shall be completed before the twentieth dwelling is occupied.

Reason: To ensure the provision of a safe access to the site and ensure that the proposal is not detrimental to highway safety and the flow of traffic.

Off-Site Highway Works (Traffic Regulation Order)

24. No development shall take place above slab level until an application for a Traffic Regulation Order (TRO) has been made for the introduction of the double yellow parking restrictions as shown on drawing no.33628 H-01 P2 and drawing no. 33628 H-02 P1. The development shall be implemented in accordance with the outcome of that TRO and any works required by the TRO shall be completed before the twentieth dwelling is occupied.

Reason: To ensure the provision of a safe access to the site and ensure that the proposal is not detrimental to highway safety and the flow of traffic.

Access to Dwellings

25. No dwelling shall be occupied until the following works been completed between that dwelling and the adopted highway:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interest of providing adequate access to the approved dwellings.

Visibility Splays

26. Prior to the first occupation of any dwelling at the site, all visibility splays shown on plan number 33268-H-03 shall be provided. The visibility splays shall subsequently be kept free from any obstructions over 1.2metres above carriageway level.

Reason: In the interests of highway safety.

Emergency Access

27. Prior to the occupation of any of the dwellings hereby approved, details of measures to ensure that the emergency access at the north west corner of the site is only used at times of emergency shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, all approved measures shall be

implemented prior to the occupation of any dwellings and retained at all times (other than in emergency) thereafter.

Reason: To ensure that the site and neighbouring land is accessed in the manner that has been assessed, in the interests of highway safety, without obstructing emergency access.

Energy Efficiency

28. All dwellings shall be built to achieve at least the “proposed u-values” detailed within section 8.1 of the Energy and Sustainability Statement that has accompanied the application.

Reason: To reduce the carbon footprint and energy efficiency of the development.

Air Source Heat Pump Details

29. Where any dwelling is shown to be served by an air source heat pump on plan 029-120 P1, that dwelling shall not be occupied until details of the air source heat pump proposed to be installed to serve that dwelling have been submitted to and approved in writing by the Local Planning Authority. Subsequently, that dwelling shall not be occupied unless it has been provided with an operational air source heat pump which shall be installed in accordance with the approved details and in the position shown on plan 029-120 P1 unless an alternative position has otherwise been approved in writing by the Local Planning Authority.

Reason: To reduce the carbon footprint of the development and to secure the measures identified as being necessary within the applicant’s Air Quality Assessment to ensure that the proposal is acceptable in relation to its impact on air quality.

Travel Information Packs

30. Prior to the occupation of any of the dwellings hereby approved, a sample Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel and to secure the measures identified as being necessary within the applicant’s Air Quality Assessment to ensure that the proposal is acceptable in relation to its impact on air quality.

Travel Plan

31. Prior to the occupation of any of the dwellings hereby approved a Travel Plan and a timetable for its implementation and subsequent monitoring shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented and monitored in accordance with the approved details.

Reason: To promote sustainable travel and to secure the measures identified as being necessary within the applicant's Air Quality Assessment to ensure that the proposal is acceptable in relation to its impact on air quality.

Water Consumption

32. 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.

Obscured Glazing – Plots 70 and 71

33. Prior to their occupation, the eastern first floor windows of the dwellings on plots 70 and 71 that are shown on the plans hereby approved to serve en-suites, shall be fitted with obscured glazing and fixed shut below a height of 1.7 metres above finished floor level with the obscure glazing being not less than the equivalent of Pilkington Glass Privacy Level 3, unless otherwise agreed in writing by the Local Planning Authority, and shall subsequently be maintained as such.

Reason: In the interests of the privacy of neighbouring residents.

Substation Details

34. Prior to its installation, details of means of enclosing the substation and mitigating any noise impacts arising from the positioning of that substation adjacent to dwellings shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, all means of enclosure and mitigation shall be provided prior to the first use of the substation and retained thereafter

Reason: To protect living conditions and ensure that the substation is of suitable appearance in the context of the development and the surrounding area.

Eradication of Variegated Yellow Archangel

35. Prior to any works occurring above slab level, a scheme of eradicating Variegated Yellow Archangel from the site shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not have a harmful impact on protected habitats.

