

PLANNING COMMITTEE – 6th November 2025**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO 25/501437/REM		
PROPOSAL Approval of reserved matters (access, appearance, landscaping, layout and scale sought) for Phases 3 and 4 for the development of 160no. dwellings including affordable housing, together with associated access, parking, landscaping, open space, equipped play and infrastructure, pursuant to 17/505711/HYBRID.		
SITE LOCATION Land at Wises Lane, Borden, Kent, ME10 1GD		
RECOMMENDATION Delegate to the Head of Planning to approve the application for reserved matters subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be necessary and appropriate.		
APPLICATION TYPE Reserved Matters		
REASON FOR REFERRAL TO COMMITTEE Call in by Borden Parish Council due to the number and impact on sensitive areas raised and significant variance with the initial outline permission.		
Case Officer Carly Stoddart		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Amy Tamplin AGENT DHA Planning
DATE REGISTERED 07/04/2025		TARGET DATE 18.09.2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - 25/501437/REM Approval of reserved matters (access, appearance, landscaping, layout and scale sought) for Phases 3 and 4 for the development of 160no. dwellings including affordable housing, together with associated access, parking, landscaping, open space, equipped play and infrastructure, pursuant to 17/505711/HYBRID. Land At Wises Lane Borden Kent ME10 1GD		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is generally oblong in shape with a smaller area protruding further to the east. The site extends from an almost midway point of a large field eastwards towards Cryalls Lane. The site forms Phases 3 & 4 of a wider development which was granted planning permission following an Appeal against refusal of the hybrid proposal submitted under reference 17/505711/HYBRID, as listed in the history section below.
- 1.2. The application site is currently formed of open agricultural land and located close to the Borden Nature Reserve which is to the south of Cryalls Lane. The Nature Reserve is within close proximity to the application site where the southeastern corner of Phase 3 is directly opposite on the northern side of Cryalls Lane.
- 1.3. Borden – Harmans Corner Conservation Area and Borden – The Street Conservation Area are located to the south and south-west of the site. There are listed buildings within the vicinity of the application site, located at Wises Lane, Cryalls Lane and Borden Lane.

2. PLANNING HISTORY

- 2.1. Following the grant of the hybrid planning permission, a number of reserved matters applications and applications to discharge conditions have been submitted. Only those relevant to this application are included in the list below.
- 2.2. **17/505711/HYBRID - PINS ref. APP/V2255/W/19/3233606:** Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.

Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

For clarity - the total number of dwellings proposed across the site is up to 675.

Granted at appeal 29.04.2021

Non-material Amendment and Conditions Applications associated with the Hybrid

- 2.3. **25/501148/NMAMD** – Non-material amendment to planning permission 17/505711/HYBRID (appeal decision V2255/W/19/3233606) to amend condition 7 to relocate the NEAP from Phase 1A to Phase 2F.
Granted 25.04.2025.
- 2.4. **24/504576/NMAMD** - Application for a non-material amendment to planning permission 17/505711/HYBRID (appeal decision V2255/W/19/3233606) to amend condition 7 to allow for an additional substation.
Granted 10.01.2025.
- 2.5. **23/505421/NMAMD** - Approval of a non-material amendment relating to the re-siting of primary school land.
Granted 15.04.2024.
- 2.6. **22/503698/NMAMD**: Non-material amendment in relation to planning permission 17/505711/HYBRID and appeal reference V2255/W/19/3233606: To change the wording of condition 66 to 'Before the approval of reserved matters for any phase (excluding Phase 1A), the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works for that phase, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority'.
Granted 06.09.2022.

Conditions Applications associated with the Hybrid

- 2.7. **25/500875/SUB**: Updated Phasing Plan (Condition 2)
Under consideration.
- 2.8. **25/501550/SUB**: Update to Construction Management Plan (CMP) (condition 20)
Granted 14.05.2025.
- 2.9. **24/504725/SUB**: Updated Phasing Plan (Condition 2)
Granted 28.11.2024.
- 2.10. **22/502221/SUB**: Air Quality (condition 70).
Granted 06.02.2023.
- 2.11. **22/500784/SUB**: Construction Management Plan (CMP) (condition 20)
Granted 01.11.2022.
- 2.12. **22/500132/SUB**: Contaminated Land Assessment (condition 53).
Granted 23.05.2022.
- 2.13. **22/500639/SUB**: Construction Ecological Management Plan (CEMP) (condition 61).

Granted 06.05.2022.

- 2.14. **22/500640/SUB:** Phasing Plan (condition 2).

Granted 06.05.2022.

- 2.15. **21/506820/SUB:** Revised Skylark Mitigation Strategy (condition 60).

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

- 2.16. **22/500133/SUB:** Updated Baseline Ecological Report: Surveys for Breeding Birds, Bats, Reptiles and Dormouse (condition 58).

Granted 06.04.2022.

Reserved Matters

- 2.17. **25/501147/REM:** Approval of reserved matters for Phase 2F (access, appearance, landscaping, layout and scale sought) for creation of open space together with associated access, landscaping, and infrastructure pursuant to 17/505711/HYBRID. Currently under consideration.

- 2.18. **24/500856/REM:** Approval of reserved matters (Access, Appearance, Landscaping, Layout, and Scale sought) for levels and earthworks changes for Phase 2F and the Primary School Land pursuant to 17/505711/HYBRID.
Granted 11.10.2024.

- 2.19. **23/505420/REM:** Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for creation of the eastern spine road (Phase 2D), pursuant to 17/505711/HYBRID.

Granted 14.08.2024.

- 2.20. **23/500263/REM:** Approval of Reserved Matters for Scale, Appearance, Landscaping, Layout being sought for the Sittingbourne Rugby Club and Community Hub including, 2x RFU compliant rugby pitches and associated parking (Phase 2E), pursuant to application 17/505711/HYBRID.

Granted 13.11.2023.

- 2.21. **22/504937/REM:** Approval of Reserved Matters (appearance, landscaping, layout and scale) for Phase 1B, 2A, 2B and 2C for the erection of 209no. dwellings including affordable, together with associated access, landscaping, equipped play, drainage, infrastructure and earthworks, pursuant to 17/505711/HYBRID - Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between

Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

Granted 06.11.2023.

- 2.22. **22/504823/REM:** Approval of Reserved Matters (Layout, Scale, Appearance and Landscaping being sought) for the western spine road (Phases 2B & 2C) pursuant to 17/505711/HYBRID - Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

Granted 16.08.2023.

Conditions Applications Associated with this Phases 3 & 4

- 2.23. **24/504081/SUB:** Written Scheme of Investigation for an Archaeological Evaluation for Phases 2F, 3, 4, 5 (residential) and 6.
Granted 20.01.2025.

3. PROPOSED DEVELOPMENT

- 3.1. This application is seeking approval of reserved matters of access, appearance, landscaping, layout and scale for Phases 3 and 4 of the wider development approved under reference 17/505711/HYBRID. The proposed development comprises 160 dwellings including affordable housing, together with associated access, parking, landscaping, open space, equipped play and infrastructure.
- 3.2. Access into Phases 3 and 4 is from the eastern part of the link road that runs east-west across the wider site. The eastern link road was granted permission on 14 August 2024. Access roads from the northern and southern side of the link road then provide access into the southern and northern residential areas (Phases 3 and 4 respectively).
- 3.3. All dwellings are proposed as 2 or 2.5 storeys in height and the mix of dwelling sizes proposed across both phases is set out in the table below:

Tenure	1 Bed	2 Bed	3 Bed	4+ Bed	5-Bed
Market Proposed	0	0	59	72	10
Affordable Proposed	0	13	6	0	0

- 3.4. Open space is provided in the form of a north-south linear park, a central green space within Phase 4 and green space to the southeastern corner opposite Borden Nature Reserve and along the eastern boundary with Cryalls Lane.

4. REPRESENTATIONS

- 4.1. Two rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers. A notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. During the first round 13 letters of representation objecting to the proposal were received. Following receipt of further information, 8 letters of representation objecting to the proposal were received in relation to the second consultation. Concerns/ comments were raised in relation to the following matters:

First Round Comments	Report reference
Proximity to nature reserve – noise and lighting	7.7.2 - 7.7.3, 7.7.9, 7.9.7, 7.10.18, 7.11.2
12% affordable is awful.	7.4.1
Parking	7.10.11 – 7.10.16, 7.10.19
No access for emergency vehicles	7.10.6, 7.10.17
Impact on wildlife and their habitats	7.9.2 - 7.9.11
Flood risk	7.12
Excessive noise	7.15.6
Additional air, water and soil pollution	7.12, 7.15.4 - 7.15.7
Impact on infrastructure – drainage, schools, GPs and hospitals.	7.12, 7.15.4 – 7.15.6
Impact on local amenities and well-being of existing residents – parks, green spaces or community facilities	7.8.2 – 7.8.3, 7.11.2 - 7.11.3
No buffer zone between the site and nature reserve	7.11.2
Impact on natural beauty and landscape	7.2.3
Large number and density of buildings	7.7.9
Impact on climate change	7.14
Lack of environmental impact assessment	7.15.4 - 7.15.6

No exploration of alternative sites	7.15.3
Loss of community resource – exacerbating social inequality	7.15.4 – 7.15.6
Increase traffic congestion	7.10.3 – 7.10.5
Impact on pedestrian routes	7.7.4, 7.10.8
Loss of trees	7.8.7 – 7.8.8
The development should include green space landscaping.	7.8
Road alignment – impact from headlights on nature reserve	7.11.2
Parking arrangements poorly designed	7.10.11 – 7.10.16, 7.10.19
Cryalls Lane to be partially inaccessible by car – bollards should be required	7.10.9
Second Round - Additional Comments	Report reference
Failure to deliver Biodiversity Net Gain (BNG)	7.9.12
Potential for on-street parking creating an obstruction	7.10.19

4.3. **Borden Parish Council** object to the application on the following grounds:

First Round Comments	Report reference
Changes to width of Cryalls Lane – erosion of rural lane and green verges and impact on habitat, root zones of trees, biodiversity and drainage.	7.10.9
Too close to Cryalls Lane and the nature reserve. Noise and light impact on mature trees supporting bats.	7.7.2 - 7.7.3, 7.7.9, 7.9.7, 7.9.9, 7.10.18, 7.11.2
Turning area at end of Cryalls Lane – encourage fly tipping and other illegal and anti-social behaviour.	7.15.1
No security arrangements for blocked end of Cryalls Lane.	7.10.9
Design prevents access to nature reserve without going into new estate and part of Cryalls Lane appears to be proposed as an estate road.	7.10.9
Traffic, light and noise pollution – exacerbate damage to landscape and wildlife especially along Cryalls Lane and the nature reserve.	7.7.9, 7.9.7 – 7.9.10, 7.10.18, 7.11.2
Second Round - Additional Comments	Report reference
Parking – 3 serial parking spaces is against Swale's SPD	7.10.11 – 7.10.16, 7.10.19

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

First Round Comments	Report reference
Phases 3 and 4 must include the green space landscaping required for the development that we believe is currently intended for the sensitive site adjoining the nature reserve.	7.7.2 - 7.7.3, 7.7.9, 7.8, 7.11.2
Impact on nature reserve from vehicle headlights.	7.7.2 - 7.7.3, 7.7.9, 7.10.18, 7.11.2
Light and noise pollution from houses facing nature reserve. Would need to pull them back and provide adequate screening.	7.7.2 - 7.7.3, 7.7.9, 7.9.7, 7.10.18, 7.11.2
Impact on mental health from negative impact on nature	7.8.2 – 7.8.3, 7.11.2 - 7.11.3
Impact on nocturnal species from light and noise	7.7.2 - 7.7.3, 7.7.9, 7.9.7, 7.10.18, 7.11.2
Second Round - Additional Comments	Report reference
Oppose badger proof fencing	7.9
Wildlife should be able to establish a territory and corridor around the development	7.9

4.5. **West Kent Badger Group (WKBG)** were consulted at the request of Borden Wildlife Group and therefore responded following receipt of further information. West Kent Badger Group object to the application on the following grounds:

Second Round Comments	Report reference
Would like assurance that measures set out in the Ecological Technical Report, TR31 will be implemented.	7.9.6 - 7.9.7
Concern regarding the cumulative impact on badgers and the natural environment in general. Each phase will lead to increasing pressure on the local badger population, the impact should be assessed as a whole.	7.9.6 - 7.9.7
Consideration should be given to how wildlife corridors will be protected and how the development promotes the conservation, restoration and enhancement of ecological networks.	7.9.6 - 7.9.7
Seek assurance that adequate protection will be given to the adjacent nature reserve, particularly, but not limited to, from light pollution	7.9.6 - 7.9.7, 7.10.18, 7.11.2

- 4.6. **Swale Footpaths Group** - Nothing to add to comment made on Hybrid application.

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 most consultees. For those individual consultees that have been consulted more than twice, it is stated under their heading below.

- 5.2. **KCC Highways** – Three rounds of consultation have been carried out.

Initially expressed concern and requested revised information regarding the number of houses fronting the link road and having driveways, the number and distribution of visitor spaces and the type and arrangement of off-road parking provision. Also requested details regarding the street lighting and visibility splays and the submission of a Section 38 highway adoption plan.

Following the submission of Technical Note with its appendices and a revised parking plan, no objection is raised.

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

No objection to the proposal to manage surface water through 3 separate networks discharging to deep borehole soakaways but raised some point for the applicant to consider. Following the submission of further information in response to these point, KCC Flood and Water Management continue to raise no objection.

- 5.4. **KCC Minerals and Waste** - No land-won minerals or waste management capacity safeguarding objections.

- 5.5. **KCC Ecological Advice Service (KCC EAS)** – Compared submitted landscaping plan with original masterplan submitted with hybrid application. No significant changes. Noted that the majority of the planting within the areas of open space is native planting.

No badger setts currently present but activity recorded within the site and main and outlier badger setts are present. Possibility of a badger sett being established within the site and that commuting/foraging takes place across the site. Condition 59 requires an updated badger survey to be carried out prior to works commencing. A toolbox talk must be given to all staff on site and precautionary measures must be implemented during construction. All these measures have been agreed within the Construction and Ecological Management plan agreed under application 22/500639/SUB.

Advise measures are incorporated to ensure that badgers are unable to move in to the existing or future residential gardens in the future. Landscaping with badger friendly planting is proposed which is likely to benefit the population in the long run.

Hedgerows and scrub providing potential Dormouse habitat not affected under these proposals.

Some opportunities for ground nesting Skylark.

Some potential for reptiles.

With the exception of badgers and reptiles, largely satisfied that the CEMP submitted as part of application 22/500639/SUB is still valid for this application.

Recommend condition to secure faunal enhancements.

- 5.6. **KCC Archaeology** – Having viewed the work on site, KCC Archaeology have confirmed that the archaeological evaluation has been undertaken within Phases 3 and 4 following the written scheme of investigation (24/504081/SUB). KCC Archaeology advise that one feature has been found but that there is nothing that would have implications for the determination of this application. Any further work with the regard to the one feature found can be secured under condition 67 of the hybrid permission.
- 5.7. **KCC Public Rights of Way (PROW)** - No comment to make but states PROW ZR120 is a short distance away and could be affected by construction works and traffic. Permission should be sought for any closure.
- 5.8. **SBC Heritage** - Given the proposal largely follows the approved masterplan, no objection.
- 5.9. **SBC Urban Design** – No objections
- 5.10. **SBC Affordable Housing** – Three rounds of consultation have been carried out.
- 9 affordable units are proposed but 12% of the 160 across these two phases rounded up would be a requirement of 20. It is noted that whilst the s106 Agreement requires 12% across the wider site, there is no requirement to be 12% to be achieved on each phase. Provided the total of 81 units (12% across the wider site) is achieved no objection is raised.
- 5.11. **SBC Greenspaces** - the proposals generally adhere to the outline masterplan in relation to the location and level of open space. Play area is adequate, but a little constrained. Different play types is reasonable and caters for disabilities. Fencing should be bow-top metal fencing.
- 5.12. **SBC Tree Officer** - General arrangement of planting shown on landscape strategy plan is acceptable subject to more detailed drawings showing plan species and sizes with management programme.
- 5.13. **SBC Climate Change Officer** – No comments.

- 5.14. **Mid-Kent Environmental Protection** - No further comment or recommendations to make to those contained in our response during the consultation for the outline approval.
- 5.15. **National Highways** - Satisfied that, if permitted, it would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network. Our formal response is No Objection.
- 5.16. **Environment Agency (EA)** - The EA is not a statutory consultee for reserved matters applications so no longer provide comments on these consultations. It is advised to take account of any planning conditions, informatives or advice and comments provided in our response to the outline application.
- 5.17. **Natural England (NE)** - No comment.
- 5.18. **Historic England (HE)** – They state that they provide advice when their engagement can add most value. In this case they are not offering advice.
- 5.19. **Network Rail** - No objections. Advise applicant to engage with asset protection team.
- 5.20. **Active Travel** - Refer to standing advice
- 5.21. **Sport England** - Sport England has no comments to make.
- 5.22. **Lower Medway Internal Drainage Board (LMIDB)** - The site is outside the drainage district of the LMIDB and understand surface water runoff is directed to deep borehole soakaways. KCC is the appropriate authority to comment.
- 5.23. **Southern Water** - Three rounds of consultation have been carried out.

Insufficient information regarding foul water drainage.
- 5.24. **UK Power Networks** - No objection. Accurate records of overhead cables should be obtained prior to commencement of work.
- 5.25. **Kent Police** - Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. If approved, site security is required for the construction phase.
- 5.26. **Kent Fire and Rescue** - Access into each road appear acceptable for the fire and rescue service, subject to confirmation that turning areas in front of any driveways are outside of each plots ownership and managed to ensure they are not impeded. Similarly, for the grasscrete secondary access points.

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
ST5 Sittingbourne Area Strategy
MU3 Land at South-West Sittingbourne
CP2 Promoting sustainable development
CP3 Delivering a wide choice of high quality homes
CP4 Requiring good design
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
DM14 General development criteria
DM19 Sustainable design and construction
DM21 Water, flooding and drainage
DM24 Conserving and enhancing valued landscapes
DM28 Biodiversity and geological conservation
DM29 Woodland, trees and hedges
DM32 Development involving listed buildings
DM33 Development affecting a conservation area
DM34 Scheduled Monuments and archaeological sites

Supplementary Planning Guidance/Documents

Parking Standard Supplementary Planning Document, 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
- Size and Type of Housing
- Affordable Housing
- Heritage
- Archaeology
- Design – Layout, Scale and Appearance
- Landscaping
- Ecology
- Transport and Highways
- Open Space
- Flood Risk, Drainage and Surface Water
- Living Conditions

- 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. The principle of the development is established by the appeal decision dated 29 April 2021 granting hybrid planning permission listed above under reference 17/505711/HYBRID. The site forms Phases 3 and 4 of the outline area of the hybrid permission.
- 7.2.4. In this case, reserved matters proposals are required to come forward in broad accordance with the hybrid planning permission which approved a set of parameter plans under condition 8. These parameter plans covered the following aspects: land uses, heights, density, indicative landscape strategy and route infrastructure.
- 7.2.5. In addition, certain conditions and aspects of the s106 have direct relevance to the proposal for these phases at this reserved stage. Assessment of the proposal's compliance with relevant conditions and aspects of the s106 is discussed where relevant in the sections below.
- 7.2.6. Subject to compliance with the parameter plans, other conditions and the s106 directly relevant to these phases at this stage of the development process, the principle of the development is acceptable.

7.3. Size and Type of Housing

- 7.3.1. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, based on demographic trends, market trends, and the needs of different groups, should be provided.
- 7.3.2. 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	59 (42%)	72 (51%) 4-bed 10 (7%) 5-bed
Affordable Required	27%	23%	30%	20%
Affordable Proposed	0	13 (68%)	6 (32%)	0

- 7.3.3. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be remembered that this reflects the Borough wide need.
- 7.3.4. The table above shows a split of 141 dwellings as market housing and 19 dwellings as affordable housing.
- 7.3.5. In terms of the market housing, the proposal would deliver a greater proportion of 3- and 4-bed houses and no 1- and 2-bed houses than is indicated as being required by the supporting text to Policy CP3 of the Local Plan or the HMA.
- 7.3.6. It is noted that the mix of dwellings set out in Policy CP3 of the Local Plan and the HMA is borough wide and does not take account of localised differences in market housing need. To account for localised differences, local housing market areas have been established which relate to specific postcode evidence. For the town of Sittingbourne, the supporting text to Local Plan Policy CP3 states that Sittingbourne has the opportunity to provide a mix of quality housing types and unit sizes. Prices are affordable and there are reasonable levels of demand from a range of consumers. Objective two for this area is to 'Reinforce' by not changing an area's housing offer. Design should protect and enhance existing characteristics of a neighbourhood area.
- 7.3.7. It is considered that the mix of units in terms of size and type is reflective of the area and therefore is in accordance with the objective of reinforcing and enhancing the characteristics of the area.
- 7.3.8. Having taken account of the context, the policy requirements and the HMA, no objection is raised in this regard and the proposal is considered to broadly comply with Policy CP3 of the Local Plan and the NPPF.

7.4. **Affordable Housing**

- 7.4.1. Through Policy DM8, the Local Plan requires 10% of affordable housing from developments in Sittingbourne town and urban extensions, whereas it requires 40% from extensions to rural areas. The affordable housing requirement of the wider development site was secured within the s106 Agreement at the time the hybrid permission was granted, with an Affordable Housing Scheme required to be submitted prior to the commencement of each phase pursuant to the s106. The s106 Agreement requires 12% affordable housing across the wider development site (not per phase).
- 7.4.2. Whilst the delivery of affordable housing on the development is controlled by the s106, the details submitted indicate that a total of 19 dwellings are proposed as affordable housing across these two phases, representing 11.875% of the total number of units proposed (160 dwellings) which is slightly below 12%. Although slightly below 12% across Phases 3 and 4, it is noted that 36 of the 289 dwellings previously approved through the hybrid application and an earlier reserved matters application were confirmed to be affordable dwellings. That amounts to 12.45%. Combining this application with the other approved dwellings, 55 dwellings out of a total of 449 dwellings would be affordable which equates to 12.2%. Therefore, the development as a whole is proceeding in accordance with the terms of the Section 106 agreement relating to the overarching planning permission.
- 7.4.3. In accordance with the s106 Agreement, the tenure split of the 19 units is proposed as 90% affordable rented units (17 dwellings) and 10% shared ownership units (2 dwellings).
- 7.4.4. The affordable housing is shown to be split into three areas within the application site, with 6 dwellings being located to the northeastern corner of Phase 4, 7 dwellings within a central area, close to the linear park within Phase 3 and 6 dwellings further to the east within Phase 3.
- 7.4.5. Furthermore, in accordance with the s106 Agreement, all affordable dwellings are designed to meet Part M4(2) Building Regulations accessibility standards ensuring homes are adaptable for future needs.
- 7.4.6. The affordable housing proposal complies with the requirements of the hybrid permission and Policy DM8 of the Local Plan and the NPPF.

7.5. **Heritage**

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

- 7.5.2. A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.5.3. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.5.4. The impact of the wider development on listed buildings and conservation areas was considered at the hybrid application stage where the impact arising in terms of less than substantial harm at the lowest end (to the Chestnut Street CA and its setting and associated listed buildings and to Riddles House/Riddles Cottage) was outweighed by the benefits of the development.
- 7.5.5. Chestnut Street is located to the west of the wider development site. Phases 3 and 4 are located to the eastern side of the wider development site, the furthest residential phases away from Chestnut Street. At the time of the hybrid application being considered, the boundary of the Chestnut Street CA was drawn along the northern edge of School Lane. An extension to the CA in 2021 included two additional parcels of land to the northeastern side of the CA. The extension included the remainder of the properties on the northwestern side of Chestnut Street (Frederick Cottage, Florence Cottages and the Tudor Rose), land between the southeastern side of Chestnut Street and the northeastern side of the boundary to Hooks Hole Farm. The CA extends northeast towards a substation. Given the distance of Phases 3 and 4 from the CA as extended, the development of these phases would not result in harm to the setting of the Chestnut Street CA.
- 7.5.6. Considering the impact on The Street CA and a number of listed buildings (Grade I Church of St Peter and Paul, Grade II* Borden Hall which includes a Grade II listed dovecote in the grounds, Grade II Oak House, Grade II Street Farmhouse, Grade II Apple Tree Cottage and The Cottage and Grade II Thatch Cottage) which are located to the south of this application site, the Inspector concluded that given the degree of separation from the development and the scale of the proposed boundary screening context, the development would not affect the setting and significance of The Street CA and the associated listed buildings.
- 7.5.7. To the east and southeast, the closest listed buildings are Riddles Cottage and Riddles House which was a Grade II listed building now divided into two houses located on eastern side of Borden Lane; and Cryalls Farmhouse, Grade II listed, accessed from Auckland Drive but located to the eastern side of Cryalls Lane with a boundary fronting Cryalls Lane opposite Phase 3.

- 7.5.8. In relation to the wider development proposals for the whole site, the SoS agreed with the Inspector that there would be a material change to the character of the setting of Riddles Farmhouse (now Riddle Cottage and Riddles House), amounting to less than substantial harm, but at the lowest end of that category. The Inspectors report indicates that this is primarily due to the proposed new roundabout in Borden Lane and its proximity to the listed building. The roundabout was granted as part of the hybrid permission.
- 7.5.9. In relation to Cryalls Farmhouse, its architectural significance as a Georgian Farmhouse was recognised and it was considered that although there is no longer any functional relationship to the agricultural land to the northwest (Phases 3 and 4), it's historical significance is through its relationship to the agricultural development of the area. In considering the appeal, the setting of Cryalls Farmhouse was stated as comprising its own substantial enclosed plot, suburban development to the north and east and scrubland/Local Green Space (LGS) to the south.
- 7.5.10. The Masterplan submitted with the hybrid application showed Cryalls Lane to the rear being retained with open/space landscaping between the lane and the proposed housing and a landscape buffer to the south. It was for these reasons that the Inspector considered there to be no effect from the proposed development on the setting of Cryalls Farmhouse or its architectural/historic significance.
- 7.5.11. In considering the appeal and in line with para. 207 (196 at the time of the appeal) of the NPPF, the 'less than substantial harm' to Riddles Cottage and Riddles House (as well as to Chestnut Street Conservation area to the west) was considered against the public benefits of the wider proposal. At paragraph 52 of his letter, the SoS agrees with the Inspector's conclusion that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of heritage assets.
- 7.5.12. The detailed layout of the proposed development for Phases 3 and 4 of the hybrid permission is in broad accordance with the layout of the masterplan with open space of a similar area shown between Cryalls Lane and the proposed houses. Furthermore, the height of the houses in this southeastern corner of the site are proposed as 2 storey in height in accordance with the approved parameter plan. The architectural design and materials are similar to the earlier phases of the wider development.
- 7.5.13. Given the proposed layout, appearance and scale of the development proposed, that there is has been no change in policy nor are there any other material considerations that would lead to conclusion that would differ from that reached by the Inspector and the SoS, the proposal for Phases 3 and 4 is acceptable and complies with Policies CP8, DM32 and DM33 of the Local Plan and the NPPF.
- 7.5.14. In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

7.6. **Archaeology**

- 7.6.1. 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.
- 7.6.2. 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.
- 7.6.3. Condition 66 of the hybrid planning permission requires a programme of archaeological field evaluation works to be secured for that phase in accordance with a specification and written timetable. The written scheme of investigation (WSI) and timetable is approved for these phases on 20.01.2025 under reference 24/504081/SUB.
- 7.6.4. Archaeological evaluation has taken place across Phases 3 and 4. KCC Archaeology have confirmed that the evaluation through Phases 3 and 4 has been undertaken following the approved WSI (24/504081/SUB). One feature has been found for which KCC advise would have no implications for this proposal and are satisfied that the details of any further investigation can be secured pursuant to condition 67 of the hybrid permission and that development as proposed for Phases 3 and 4 can be approved.
- 7.6.5. In view of the above, it is considered that the proposal is acceptable and complies with Policies CP8 and DM34 of the Local Plan and the NPPF.

7.7. **Design – Layout, Scale and Appearance**

- 7.7.1. Local Plan Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and that design should contribute positively to making places better for people.

Layout

- 7.7.2. Whilst layout was a reserved matter, in considering the hybrid application, an indicative masterplan was submitted to demonstrate that the quantum of development proposed could be accommodated within the site. The masterplan is listed in Condition 8 of the hybrid permission as an approved drawing with the purpose of providing a framework to the development of subsequent reserved matters applications. A route infrastructure drawing was also listed as an approved parameter plan within condition 8 of the hybrid permission.
- 7.7.3. The masterplan and the route infrastructure drawing submitted as part of the hybrid application showed a similar road layout to that being considered under this current

application for reserved matters. They both show the main access road through the centre which is referred to as the link road or spine road. This road provides a route from Chestnut Street to the west and Borden Lane to the east. This road was approved as part of the hybrid permission. Reserved matters applications have subsequently been approved for the spine road.

- 7.7.4. Access roads adjoining the north and south of the main spine road are generally similarly positioned to those shown on the masterplan. Pedestrian connection points with the existing settlement to the east are also proposed in similar locations when compared to the infrastructure parameter plan. There is pedestrian connection point into the site via the spine road and another pedestrian crossing point towards the northern end of Cryalls Lane before it bends significantly to the east. There is no objection to the proposed layout with regard to the road layout and pedestrian connectivity.
- 7.7.5. In addition to route infrastructure, Condition 8 of the hybrid planning permission listed an indicative landscape strategy plan (drawing number L8 revision E). Both the layout of the masterplan and the indicative landscape strategy showed a linear park located to the western edge of the site, a greenspace area located in a central location with Phase 4 and a greenspace area to the southeast corner of the site opposite the nature reserve. The proposals reflect this distribution and amount of greenspace provision for these two phases and no objection is raised in this regard.
- 7.7.6. Most dwellings face the road, and green space where applicable, creating an active frontage to the street scene. This in turn provides natural surveillance creating safer streets. Where the side elevations of the dwellings face the street scene, there are windows in the street facing side elevation to ensure an active frontage. In addition, where boundary treatments to the rear of dwellings present to the streetscene, they are proposed as brick walls rather than the close-board fencing that is proposed elsewhere across the site.

Scale and Density

- 7.7.7. Building heights were set by the inclusion of a building heights parameter plan within condition 8 of the hybrid permission. The parameter plan set the building heights for this area to be up to 2 storeys high along Cryalls Lane, up to 2.5 storeys high within the centre of the site and up to 3 storeys to the northern part of the site.
- 7.7.8. The majority of dwellings are proposed to be 2 storeys high. The only dwellings proposed at 2.5 storeys high are to be located along the southern side of the spine road and a further 3 dwellings located around a junction a short distance to the south of those dwellings. The dwellings are well proportioned in terms of the footprint to height ratio and all enjoy the provision of a private rear garden resulting in development that is of appropriate scale and in accordance with the parameter plans approved as part of the hybrid permission.

- 7.7.9. The hybrid permission also set density as a parameter plan showing a lower density along the frontage of Cryalls Lane (up to 25 dph), and higher densities moving into the site and further north within the site (up to 40dph). The proposed density is generally in accordance with the parameter plan. 25dph is proposed along the sensitive interface with the Borden Nature Reserve along Cryalls Lane. Phase 3 includes a slightly higher density at the core to allow for lower density along the western edge of Phase 4 where it fronts the linear park. It is a sensible approach to design that achieves a cohesive and varied layout and allows for a more spacious arrangement to front the linear park.

Appearance – Architectural design and materials

- 7.7.10. Phases 3 & 4 are located in such a manner within the wider development site that it is only in close proximity to a short section of existing development along Cryalls Lane. The development along Cryalls Lane fronting the application site comprises the wall to the Grade II listed Cryalls Farmhouse, Cryalls Farm Cottages, a semi-detached pair of 2-storey houses and 6 2-storey dwellings that are all either detached or semi-detached. The character of these existing properties along Cryalls Lane is of dwellings of yellow or red brick construction, some with red or brown tile hanging to the first floor level and all with barn hip style, tiled roofs. One property has a cat slide roof with a hipped roof dormer to the front.
- 7.7.11. The dwellings proposed follow a similar architectural style to that approved under earlier residential phases. The dwellings proposed to be located opposite the existing dwellings, are all proposed to be of red or yellow brick construction, with some showing soldier course details and flat brick arches to the windows and some showing tile hanging or render to the first floor with some inclusion of mock Tudor timber framing. All have hipped roofs, some include cat slide roofs with a hipped roof dormer to the front.
- 7.7.12. The architectural design is considered to reflect the design of the wider development site as well as the existing residential properties opposite. The design is acceptable and no objection is raised in this regard.
- 7.7.13. The overall design in terms of layout, scale and appearance is in accordance with the parameters set by the hybrid permission and is considered acceptable. The proposal is compliant with Policies CP4 and DM14 of the Local Plan and the NPPF.
- 7.8. **Landscaping**
- 7.8.1. Policy DM29 of the Local Plan and the NPPF recognise the contribution of trees to the intrinsic character and beauty of the countryside.
- 7.8.2. Condition 8 of the hybrid planning permission requires reserved matters to accord with the plans stated within that condition. An indicative landscape strategy plan (drawing number L8 revision E) is listed within condition 8. This strategy plan forms the framework for the general location for different forms of landscape across the wider development. It also includes an indicative planting schedule which provides the

selection of species for each area. The main landscape feature shown on this drawing relative to Phases 3 and 4 is a linear park running in a north-south direction through the site to the western edge of these phases. Two areas of amenity green space are shown, one to the southeast corner of Phase 3 and one roughly centrally located within Phase 4. The roads and areas alongside Cryalls Lane are to be tree lined where possible. Trees also feature around the SUDs basins and provide screening to the substation.

- 7.8.3. A landscape strategy plan has been submitted with the application. The plan follows the strategy plan listed as an approved drawing under condition 8 of the hybrid permission and species will be selected in accordance with those listed in the indicative planting schedule. A north-south linear park is proposed to the western edge of the two phases which includes a pedestrian route through and play space to the southern end. There are green spaces located to the southeastern corner of Phase 3 and roughly centrally located within Phase 4. The planting for these areas will mainly comprise mown grass/wildflower and trees.
- 7.8.4. It is noted that there are SUDs features in each of these spaces. No objection has been raised in this regard from the Greenspaces Manager. Areas within and around the SUDs features will be maintain as long grass/wildflower suitable for a wet environment.
- 7.8.5. Native woodland species are proposed to the northern boundary of Phase 4 to infill the existing vegetated boundary. Native hedgerow is proposed to the southern side and part of the eastern side of Cryalls Lane, to the eastern boundary of Phase 4 and the northern boundary to Phase 3. Street trees are proposed along the route of the link road and main access roads. Fruiting species will be selected to provide foraging habitat for existing wildlife within the locality.
- 7.8.6. On-plot landscaping is proposed in the form of ornamental hedges, shrubs, climbers and grassed lawns.
- 7.8.7. The proposed landscaping strategy has been reviewed by the Council's Tree Officer and KCC EAS who note the majority of planting within the areas of open space comprises native planting and consider the proposal acceptable. It is recommended that detailed planting plans and their subsequent implementation be secured by condition.
- 7.8.8. In addition to the details submitted for this reserved matters application, conditions attached to the hybrid permission further secure some landscaping details and management. Condition 44 requires details of how trees that are to be retained will be safeguarded throughout the development. This detail is required prior to commencement of development for each phase. Condition 62 requires an updated Landscape Ecological Management Plan to be submitted within 6 months of the commencement of each phase.

- 7.8.9. With the conditions attached to the hybrid permission and an additional condition for detailed planting schedules to be submitted, the proposal is acceptable, in accordance with the parameters set by the hybrid permission and complies with Policies CP7, DM14 and DM29 of the Local Plan and the NPPF.

7.9. Ecology

- 7.9.1. Local Plan Policies CP7 and DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

- 7.9.2. Conditions attached to the hybrid permission relating to various aspects of ecology required the following details which are shown below with status:

- Condition 58 – Updated baseline surveys for breeding birds, bats, reptiles and dormouse; (approved on 06/04/2022 – reference 22/500133/SUB).
- Condition 59 – Updated Badger Survey to be submitted within 6 months prior to commencement of development of any phase. Submitted and under consideration (reference 25/503255/SUB).
- Condition 60 – Revised Skylark Mitigation Strategy; (approved on 11/04/2022 – reference 21/506820/SUB – Legal Agreement in Place dated 15/09/2022).
- Condition 61 - Construction Ecological Management Plan (CEMP); (approved on 06/05/2022 – reference 22/500639/SUB); and
- Condition 62 – Landscape and Ecological Management Plan (LEMP) to be submitted within 6 months of the commencement of development of any phase. To be submitted in relation to Phases 3 & 4.

- 7.9.3. KCC EAS have reviewed this reserved matters application and having compared the submitted plans with the masterplan secured as a parameter plan by the hybrid permission, they are satisfied that layout has not significantly changed and that the areas of open space proposed correspond with the masterplan.

- 7.9.4. A technical note has been submitted with the reserved matters which provides an overview of ecology for Phases 3 and 4. It references a badger survey that has been submitted pursuant to condition 59 and confirms that no badger setts are currently present on site, but that badger activity was recorded within the site and that main and outlier badger setts are present to the south of Phase 3. KCC EAS advise that it is therefore possible that a badger sett could establish within the site and it is likely that badgers will commute/forage across the site.

- 7.9.5. As detailed within the Ecology Technical Note (Badgers) an updated badger survey must be carried out prior to works commencing (pursuant to condition 59 of the hybrid permission), a tool box talk must be given to all staff on site a precautionary measures must be implemented during construction. All these measures have been agreed

within the Construction and Ecological Management plan (CEMP) agreed under application 22/500639/SUB. Condition 59 of the hybrid permission will ensure an updated survey will be undertaken within 6 months of commencement of development for each Phase. The most recent badger survey was undertaken in March.

- 7.9.6. In their comments West Kent Badger Group (WKBG) sought assurances that the measures outlined within the technical Note will be implemented and that the phases are not considered in isolation. They also asked that consideration be given to how wildlife corridors will be protected, how the wider development will promote, restore and enhance ecological networks and the impact of lighting on the nature reserve.
- 7.9.7. The applicant has provided a response in the submitted 'Response to Consultee Comments' that the mitigation measures and parameters in which to design the development are secured by the hybrid permission and associated conditions. The submitted response also confirms the scheme is not considered in isolation and that condition 59 of the hybrid ensures that prior to works commencing within each phase, updated badger surveys are undertaken and a report with additional measures may be required. Details of management, maintenance and retention of landscaping of open space in the site is secured by condition 62 (LEMP) and a lighting strategy is secured by condition 37 of the hybrid permission.
- 7.9.8. KCC EAS have reviewed the Technical Note and advise that the works undertaken across the wider site are resulting in existing badger setts being closed or temporarily closed and therefore how badgers use the site will change during the construction works and the completed development. It is advised that measures are incorporated into the development site to ensure that badgers are unable to move in to the existing or future residential gardens in the future through the use of badger proof fencing. In stating this point KCC EAS acknowledge that landscaping with badger friendly planting is proposed which is likely to benefit the population in the long run.
- 7.9.9. With regard to other ecological aspects, hedgerows and scrub providing potential Dormouse habitat are located beyond Cryalls Lane and are not affected under these proposals (the treeline at the northern boundary being gappy and unlikely to form suitable habitat). The area provides some opportunities for ground nesting Skylark, with a single territory recorded from the wider arable field which contains the site during the 2021 bird survey and margins of rank grassland and ruderal vegetation along Cryalls Lane and adjacent to the northern treeline offer some potential for reptiles. No reptiles were recorded adjacent to Cryalls Lane during the 2021 survey, although a single slow-worm was recorded adjacent to the northern treeline.
- 7.9.10. The CEMP approved under reference 22/500639/SUB is still considered valid for this application with the exception of badgers as detailed above, (the requirement of an updated survey) and reptiles. Information has been provided confirming that the habitat within the site is not optimal for reptiles and therefore a precautionary approach will be implemented to clear the vegetation and encouraging reptiles to move into the edge of the site in to retained habitat. This approach is considered satisfactory. A

condition is proposed to secure the precautionary approach as advised within the Technical Note.

- 7.9.11. The proposal is in accordance with the parameters set by the hybrid permission and taking account of the existing conditional safeguards attached to the hybrid planning permission and with further conditions proposed securing badger proof fencing and a precautionary approach to reptiles, the application is acceptable and in accordance with Policy DM28 of the Local Plan and the NPPF.
- 7.9.12. This application is a reserved matters application related to a hybrid permission that was submitted and approved before the commencement of Mandatory Biodiversity Net Gain and is therefore not required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.

7.10. **Transport and Highways**

- 7.10.1. 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.
- 7.10.2. 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.”*
- 7.10.3. The impact of the wider development has already been considered and accepted with the grant of the hybrid planning permission. At paragraph 18 of his letter the Secretary of State (SoS) agrees with the Inspector that subject to the implementation of mitigation measures the scheme would not have an unacceptable impact on highway safety or the free flow of traffic on the local or strategic road network.
- 7.10.4. It was also noted that the creation of a link road between Borden Lane and Chestnut Street with access onto the southbound A249 was identified to provide benefits which include mitigating congestion on the A2 and the provision of an alternative route which the Key Street/A249 and the Key Street roundabout and the link road would contribute to improving air quality along this key route into and out of Sittingbourne. The requirement for the link road to be provided as part of the wider development was secured by conditions 24 and 26 along with the roundabout at Chestnut Street (condition 25) of the hybrid planning permission.

- 7.10.5. All sections of the link road have been approved. Phases 3 and 4 form the eastern most residential phases of the development and are situated to the south (Phase 3) and north (Phase 4), of the link road.
- 7.10.6. Phase 4 is served by one main access from the link road, a major access road located between plots 76 and 117. This provides access to the majority of dwellings on this Phase, leading to a series of minor access ways and private drives. A separate minor access way is also provided from the link road further west, which leads to a small cul-de-sac of dwellings and a private drive. One private drive is accessed directly from the link road serving 5 dwellings, and some properties are provided with individual direct access from the link road. As Phase 4 is only served by one major access road, an emergency link is provided to the north eastern corner of the site (between plots 85 – 93) by connecting two private drives with a grasscrete link (shown as a dotted line on the layout drawings). A condition is recommended to secure details of how this will be used as an emergency access only.
- 7.10.7. Phase 3 is served by two main accesses from the link road. These each comprise a priority controlled junction, one located between plots 32 and 65 and the other between plots 6 and 16. Each access leads to a minor access way which connect into a looped arrangement within the phase. These minor access ways then lead into private drives and shared surfaces towards the edge of the phase, near the open spaces. Two private drives are further accessed directly from the link road, one at each end of Phase 3, with the westernmost private drive serving 4 dwellings and the easternmost private drive serving 3 dwellings.
- 7.10.8. Cryalls Lane which is to be retained on its existing alignment is also within Phase 3. A small stretch of Cryalls Lane is proposed to become a footway/cycleway only (between Phase 5 and plot 34), preventing vehicular traffic from progressing along this route. Cryalls Lane has always been proposed to be closed off at this point as part of the hybrid permission, and traffic diverted through the development site.
- 7.10.9. Vehicle access is also still maintained to Borden Nature Reserve, which is currently accessed via Cryalls Lane. The proposal does not seek to change the width of Cryalls Lane. Vehicles will travel a new route along the link road before turning south through Phase 3 and onto Cryalls Lane. A turning head is to be provided further north along Cryalls Lane (which was approved under reserved matters application for the eastern link road reference 23/505420/REM) should any vehicles inadvertently continue along Cryalls Lane past the Nature Reserve. A cycle barrier is shown at the point Cryalls Lane meets the southern side of the link road. This is a requirement of the reserved matters permission granted for the eastern link road.
- 7.10.10. The layout of the site is in broad accordance with the infrastructure parameter plan secured by condition 8 of the hybrid permission.
- 7.10.11. In accordance with conditions 34 and 36 of the hybrid permission, a parking plan is submitted with the application. This plan was subsequently revised to address

concerns raised by KCC Highways. The parking plan also confirms that cycle parking is to be provided on plot in rear gardens.

- 7.10.12. In accordance with the hybrid permission (condition 71), and subject to separate formal discharge application a plan showing the provision of electric vehicle charging points (EVCP) has been submitted. This shows all dwellings have access to a wall or post mounted EVCP.
- 7.10.13. In reviewing the proposal, initial concerns raised by KCC Highways related to the number of houses fronting the link road and having driveways as well as the number and distribution of visitor spaces and the type and arrangement of off-road parking provision. The drawings showed a heavy reliance on triple tandem parking. The Council's adopted standards require 2/3 spaces for 3-bedroom units, and 3+ spaces for 4+ bedroom units. In addition, in suburban locations free-standing and integral garages are not taken into account as counting towards the required quantum of allocated parking spaces where the size standards are not met. The initial parking plan provided showed some garages to be smaller than the recommended guidance and double car ports and garages proposed. It was recommended that amendments be submitted to address these concerns.
- 7.10.14. A Technical Note has been submitted by the applicants in response. The Technical Note details agreement between the applicant and KCC Highways that waiting restrictions in the form of double yellow lines be imposed along the link road together with the provision of additional visitor parking bays will address the concerns regarding potential on-street parking and driveway access along the link road.
- 7.10.15. To address concerns around the proposed triple parking, garage dimensions and the distribution of visitor parking spaces, the applicant has provided an additional 17 visitor bays, evenly distributed and particularly near dwellings with triple tandem arrangements and integral garages. This includes improved coverage in areas such as plots 65-48, 92-85, and 157-151, aligning with the standard of one visitor space per five dwellings. A revised parking plan has also been submitted to show the additional visitor parking provision.
- 7.10.16. The Technical Note confirms that only 4-bedroom dwellings with integral garages are proposed to count toward parking provision. A key has been added to the revised parking plan identifying these units and their garage dimensions, which range from 4.63m to 5.30m in width, exceeding the 3.6m minimum in Table 7 of Swale's Parking SPD.
- 7.10.17. Swept path drawings show the site is accessible by fire tenders and refuse collection vehicles. Confirmation has also been provided within the submitted 'Response to Comments' that all turning areas will be managed by the Management Company for the development to ensure they are not used for parking. Where refuse is shown to be collected from a bin storage area drag distances for both the occupier

and refuse collection operative is not exceeded and therefore no objection is raised in this regard.

7.10.18. KCC Highways also request details regarding the street lighting and visibility splays and requested the submission of a Section 38 highway adoption plan. These plans are provided in the appendices of the Technical Note. The detail regarding street lighting and visibility splays is also secured by condition 37 of the hybrid permission.

7.10.19. In reviewing the Technical Note and the revised parking plan, KCC Highways are satisfied with the highways arrangements including the parking provision and raise no objection to the proposal. There is a request for conditions, however, the details required by the suggested conditions are already secured by the conditions attached to the hybrid permission so there is no need to impose them again.

7.10.20. Active Travel England responded to the proposals by referring to standing advice. The standing advice (toolkit) primarily relates to matters approved by the hybrid permission. Parameter plans and other conditions such as condition 33 (Travel Plan) secured as part of the hybrid permission ensure that the detail of the reserved matters also conforms with the Active Travel toolkit.

7.10.21. The proposal is acceptable and complies with the hybrid permission and Policies CP2, DM6 and DM7 of the Local Plan and the NPPF.

7.11. **Open Space**

7.11.1. 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.

7.11.2. Condition 8 of the hybrid permission and the s106 Agreement secured the provision, type and distribution of open space throughout the wider development. A total of 1.6ha of open space is proposed across Phases 3 & 4 which is slightly greater than that shown on the Land Use parameter plan secured by condition 8 of the hybrid permission. This allows for a larger area of woodland and landscape buffer planting adjacent to Borden Nature Reserve and along eastern and northern boundaries as well as green amenity space at the centre of the northern residential parcel and in the form of a linear park. The greenspaces accommodate SUDS as well as formal play space in the form of a Local Standard of Play Area (LSPA) within the linear park in accordance with the requirement of Schedule 4 of the s106 Agreement. New SUDS features will provide a drainage function but will also be designed to be attractive landscaped features and incorporate species that create biodiversity benefits.

7.11.3. SBC Greenspaces Manager has reviewed the proposals and is satisfied that the proposals are in broad accordance with the hybrid permission. No objection is raised to the presence of the SUDS features within the space. Schedule 4 of the s106 Agreement requires the LSPA to be in accordance with Appendix A of the Swale Borough Council Open Spaces and Play area Strategy 2018-2022. Appendix A sets

out the type of equipment that is adequate for a LSPA. Comment is made by the Greenspaces Manager that the play area proposals are adequate. The number of play types is considered reasonable and caters for disabilities both in terms of access and use.

7.11.4. There is a request that the fencing should be changed from the proposed timber rail to a bow-top railing to prevent dog access and to be more sustainable in the long term with regard to wear and tear. It is considered that this detail could be conditioned and the final design agreed at a later date but prior to the first use of the play space. The delivery of the space and the timing of that is secured by Schedule 4 of the s106 Agreement.

7.11.5. The proposal is acceptable, in broad compliance with the hybrid permission and Policy DM17 of the Local Plan and the NPPF.

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

7.12.1. 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.

7.12.2. Each phase within the overall development site is subject to a detailed drainage strategy to be submitted and approved before works commence (Condition 49) and ongoing maintenance prior to use/occupation (Condition 50). The applicant has acknowledged that this will be submitted should the reserved matters be approved.

7.12.3. Nevertheless, a drainage strategy has been submitted for Phases 3 & 4. The strategy shows a design to mitigate the impact of additional surface water by utilising a variety of surface water storage solutions including, attenuation basins, underground crate systems, deep bore holes as well as permeable paving. The range of solutions proposed is designed to maximise the amount of useable open space whilst achieving adequate surface water volumes. Rainwater is to be collected from roofs and areas of hardstanding and will be conveyed via surface water sewers to the attenuation features.

7.12.4. KCC Flood and Water Management have reviewed the application and raised no objection to the approach of three separate networks discharging into deep borehole soakaway. Some points were raised for the applicant's consideration in relation to the rainfall datasets used and the depth of the deep borehole soakaways and their relationship with groundwater. Further information has been submitted by the applicant in response to these points in order to provide clarification and to show a reduction in the depth of the deep borehole soakaways to be 1m above the recorded level of groundwater. This has been accepted by KCC Flood and Water Management.

7.12.5. There has been no objection to the principle of the drainage approach as outlined at this stage with further details required to be submitted under conditions 49 and 50.

- 7.12.6. Southern Water have commented that insufficient information has been submitted in relation to foul water drainage. This aspect of drainage will need to be addressed by the applicant through compliance with Building Regulations.

7.13. **Living Conditions**

Existing residents

- 7.13.1. Policy DM14 of the Local Plan and the NPPF requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.13.2. The impact of the wider development of the hybrid proposal has already been considered at the appeal in terms of the impact on residents with regard to issues such as the traffic generation, noise and air quality.
- 7.13.3. The impact on surrounding residents as a result of the construction activity will be controlled through condition 21 of the hybrid planning permission which restricts the hours of construction activity.
- 7.13.4. This application for Phases 3 & 4 is located on existing fields with Cryalls Lane to the east. As such, the nearest existing residential neighbours will be the 6 dwellings on the opposite (eastern) side of Cryalls Lane and the semi-detached pair (Cryalls Farm Cottages) on the northern side of Cryalls Lane as the road runs almost 90 degrees to the east.
- 7.13.5. The layout of the proposal within the application site is such that the proposed dwellings are set back from Cryalls Lane with grassed areas and access roads in between. The separation distances between the proposed and the existing dwellings is such that there would be no detrimental harm caused on the living conditions of the occupiers of these existing properties when considering the impact on loss of outlook, privacy, daylight and overshadowing.

Future residents

- 7.13.6. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.13.7. The floor plans for each dwelling type comprise an acceptable layout, demonstrating that rooms can adequately accommodate the furniture necessary for day-to-day living. On this basis, it is considered that the dwellinghouses would provide future occupiers with an acceptable standard of internal accommodation. All habitable rooms are served by window providing natural daylight.
- 7.13.8. Careful consideration has been given to the layout of the development with regard to the back-to-back and rear-to-flank arrangements of the dwellings and their habitable room windows. The layout provides sufficient separation between the proposed dwellings within the site to ensure privacy for the future occupiers. All dwellings are

provided with a good amount of private outdoor amenity space in the form of rear garden areas.

7.13.9. Refuse storage would be accommodated out of sight within the rear garden areas for the majority of dwellings. The layout has been designed to allow for direct external access from the rear to the front of each dwelling to enable the refuse to be moved to kerbside collection points on refuse collection days without the need to travel internally through the dwelling.

7.13.10. The proposal is considered to be in accordance with Policy DM14 of the Local Plan and the NPPF.

7.14. **Sustainability / Energy**

7.14.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change.

7.14.2. The submitted design and access statement confirms a fabric first approach has been adopted prioritising passive design principles over technology. This method involves reducing energy consumption by increasing insulation, reducing heat loss and air infiltration and using heat from the sun before resorting to renewable technologies such as solar panels, heat pumps or wind energy to create energy.

7.14.3. Conditions attached to the hybrid permission also secure the maximum water consumption rate (condition 13), the provision of electric vehicle charging points (condition 71) although this is also now required by Building Regulations and the provision of low emission boilers (condition 72).

7.14.4. The Climate Change Officer has reviewed the application and raises no objection. The proposal complies with Policy DM19 of the Local Plan and the NPPF.

7.15. **Other matters**

7.15.1. Concern has been raised by the public that the turning head area would increase existing anti-social behaviour at the Borden Nature Reserve. Existing anti-social behaviour would need to be referred to the appropriate authority. The residential development proposals for Phase 3 will result in increased natural surveillance or at the very least the perception of natural surveillance. This tends to deter anti-social and criminal activity.

7.15.2. There is a requirement for the Council to show that it has complied with the statutory duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The impact on residents' mental health has been raised as a concern to the general public within the vicinity of the wider development. Individuals are likely to be affected by different aspects of the proposal and react in different ways. At appeal, the hybrid application

was considered acceptable and planning permission granted with conditions attached and a s106 securing mitigation where possible to reduce impacts on surrounding residents and the environment. Officers have had due regard to the objectives set out within the Equality Act 2010 and the Public Sector Equality Duty that arises from this. However, as the proposal is considered acceptable for the reasons set out in this report, this duty is not reason to reach a different decision and need not be commented on any further. Moreover, there is no overt reason why the proposed development would prejudice anyone with the protected characteristics.

- 7.15.3. Comment has been made within the public consultation responses that there has been no exploration of alternative sites. The site has the benefit of an extant hybrid planning permission. There is no requirement to explore alternative sites in this circumstance.
- 7.15.4. In addition, comments have been made within the public consultation responses that there is a lack of environmental impact assessment and that the proposal will negatively impact on infrastructure such as schools, GPs and hospitals.
- 7.15.5. The impact on infrastructure and the environment was assessed as part of the hybrid application and was concluded to be acceptable and hybrid permission was granted along with contributions secured through the s106 agreement towards mitigating the impact on infrastructure. The hybrid permission also granted permission for a school and a small local centre to be located elsewhere within the wider site.
- 7.15.6. The environmental impacts arising from the development were considered as part of the hybrid application in respect of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Conditions and the s106 Agreement attached to the hybrid permission (the principal decision) secure further assessment and mitigation towards environmental impacts and sets parameters to ensure the development complies with relevant policies. The hybrid permission adequately addresses any harm identified. The detail of the proposals within this reserved matters complies with the parameters set by the hybrid and relevant planning policies and do not raise any environmental issues beyond what has previously been considered and addressed by the conditions and the s106 Agreement of the hybrid permission.
- 7.15.7. In relation to contamination, Condition 53 of the hybrid planning permission required the submission of a contaminated land assessment for the whole site. Details have been submitted and approved under condition 53 on 23/05/2022 (ref: 22/500132/SUB).

7.16. **Conclusion**

- 7.16.1. 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.

7.16.2. Regard has also been had to the limited scope of the application, which relates solely to the reserved matters and not the matters that were addressed by the hybrid application or are to be considered under the terms of other applications for the approval of details

7.16.3. The proposal is for two residential phases of the wider development site. The application is not considered to have an adverse impact on the wider landscape, highway network, ecology, heritage assets and the living conditions of surrounding residents having been considered at the Hybrid application stage. The design of the residential development follows the parameters secured by the hybrid permission and is considered acceptable. The proposal is in accordance with the policies set out above and the NPPF and is recommended for approval.

7.17. **Recommendation**

7.17.1. Grant subject to conditions.

7.18. **Conditions**

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

Received 21 August 2025

100 Rev B	Planning Layout
100-1 Rev B	Colour Planning Layout
104 Rev B	Materials and Boundary Treatment Plan
105 Rev B	Parking Plan
106 Rev B	Refuse and Fire Tender Plan
108 Rev B	Tenure Plan
1113 Rev B	EV Charging Plan
51-2 Rev B	Street Scenes
55	Garage and Car Port Details
56	Garage Details
HT-Hamp-05 Rev A	Hampstead Elevations
HT-Hamp-07 Rev A	Hampstead Floor Plans
HT-Henl-03 Rev A	Henley Elevations
HT-Henl-04 Rev A	Henley Floor Plans
HT-Wctr-03 Rev A	Winchester and Study Elevations
HT-Wctr-04 Rev A	Winchester and Study Floor Plans

Received 7 July 2025

1659 102 Rev A	Landscaping Strategy
1659 51-1 Rev A	Street Scenes
17-051-150 Rev F	Refuse Swept Path
17-051-151 Rev I	Fire Swept Path
NSPD3798 Rev B	Playspace Layout

Received 03 April 2025

101	Site Location Plan
54-1	Wall and Fence Details
54-2	Wall and Fence Details
GTC-E-SS-0012_R2-2_1 of 1	Substation Floor Plan, Elevations and Sections
HT-AI-01	Alderney Elevations
HT-AI-02	Alderney Elevations
HT-AI-03	Alderney Floor Plans
HT-Camb-01	Cambridge Elevations
HT-Camb-02	Cambridge Elevations
HT-Camb-03	Cambridge Floor Plans
HT-CHTR+01	Chester + Study Elevations
HT-CHTR+02	Chester + Study Elevations
HT-CHTR+03	Chester + Study Elevations
HT-CHTR+04	Chester + Study Floor Plans
HT-Dart-01	Dart Elevations
HT-Dart-02	Dart Floor Plans
HT-EN-01	Ennerdale Elevations
HT-EN-02	Ennerdale Floor Plans
HT-En-Ma-01	Ennerdale and Maidstone Elevations
HT-En-Ma-02	Ennerdale and Maidstone Floor Plans
HT-Hamp-01	Hampstead Elevations
HT-Hamp-02	Hampstead Elevations
HT-Hamp-03	Hampstead Elevations
HT-Hamp-04	Hampstead Elevations
HT-Hamp-06	Hampstead Elevations
HT-Harr+01	Harrogate + Study Elevations
HT-Harr+02	Harrogate + Study Elevations
HT-Harr-01	Harrogate Elevations
HT-Harr-02	Harrogate Elevations
HT-Harr-03	Harrogate Floor Plans
HT-HE-01	Hesketh Elevations
HT-HE-02	Hesketh Elevations
HT-HE-02	Hesketh Elevations
HT-HE-04	Hesketh Floor Plans
HT-Henl-01	Henley Elevations
HT-Henl-02	Henley Elevations
HT-Ki-01	Kingsley Elevations
HT-Ki-02	Kingsley Elevations
HT-Ki-03	Kingsley Elevations
HT-Ki-04	Kingsley Elevations
HT-Ki-05	Kingsley Floor Plans
HT-Leamq-01	Leamington Lifestyle Elevations
HT-Leamq-02	Leamington Lifestyle Elevations
HT-Leamq-03	Leamington Lifestyle Floor Plans
HT-Ledh-01	Ledsham Elevations
HT-Ledh-02	Ledsham Floor Plans

HT-Ma-01	Maidstone Elevations
HT-Ma-02	Maidstone Floor Plans
HT-Ma-03	Maidstone Elevations
HT-Ma-04	Maidstone Floor Plans
HT-Over+01	Overton + Study Elevations
HT-Over+02	Overton + Study Elevations
HT-Over+03	Overton + Study Elevations
HT-Over+04	Overton + Study Elevations
HT-Over+05	Overton + Study Floor Plans
HT-Oxfo-01	Oxford + Study Elevations
HT-Oxfo-02	Oxford + Study Elevations
HT-Oxfo-03	Oxford + Study Elevations
HT-Oxfo-04	Oxford + Study Floor Plans
HT-Ra-01	Radleigh Elevations
HT-Ra-03	Radleigh Elevations
HT-Ra-03	Radleigh Elevations
HT-Ra-04	Radleigh Floor Plans
HT-Shaf-01	Shaftesbury Elevations
HT-Shaf-02	Shaftesbury Elevations
HT-Shaf-03	Shaftesbury Floor Plans
HT-Tavy-01	Tavy Elevations
HT-Tavy-02	Tavy Floor Plans
HT-Wctr+01	Winchester + Study Elevations
HT-Wctr+02	Winchester + Study Elevations
HT-Wo-01	Woodcote Elevations
HT-Wo-02	Woodcote Elevations
HT-Wo-03	Woodcote Floor Plans
HT-YB50-01	YB50 Elevations
HT-YB50-02	YB50 Floor Plans
HT-YB50-03	YB50 Elevations
HT-YB50-04	YB50 Floor Plans
HT-YB52-01	YB52 Elevations
HT-YB52-02	YB52 Floor Plans

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

2. Site clearance and construction work shall be undertaken in accordance with the precautionary approach with regard to reptiles as set out in section 2 of the Technical Note 33: Consideration of KCC Ecology Consultation Response (9 June 2020) and the accompanying annotated drawing number 100 rev P5 – Planning Layout.

Reason: To ensure the protection of reptiles.

3. No development in any phase shall take place above slab level until a detailed planting plan including schedules of plants, noting species (which shall include native species), plant sizes and proposed numbers/densities where appropriate has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details

and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping.

4. No development in any phase shall take place above slab level until a scheme of badger proof fencing within gardens and the design of that fencing has been submitted to and approved in writing by the Local Planning Authority. The badger proof fencing shall be implemented in accordance with the approved details prior to occupation of the relevant dwellings to which badge proof fencing relates and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard protected species.

5. Notwithstanding the submitted details and prior to the first occupation of any dwelling in any phase herein approved, details of an alternative boundary treatment (such as bow top fencing) for the Local Standard Area of Play (LSAP) shall be submitted to and approved in writing. The boundary treatment enclosing the LSAP shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure adequate boundary treatment to the play space.

6. Prior to the occupation of each dwelling herein approved, the boundary treatment for that dwelling shall be provided in accordance with drawing number 104 Rev B – Material and Boundary Treatment and details approved pursuant to condition 3 of this decision notice. The boundary treatment shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual and occupier amenity.

7. Prior to the occupation of each dwelling herein approved, the refuse storage arrangements for that dwelling shall be provided within the curtilage of the dwelling in accordance with drawing number 106 Rev B – Refuse and Fire Tender Plan. The refuse storage arrangements shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual and occupier amenity.

8. Prior to the occupation of any of the dwellings hereby approved within Phase 4, details of measures to ensure that the emergency access at the northeastern corner of the site (between plots 85 – 93) is only used at times of emergency shall be submitted to and approved in writing by the Local Planning Authority. All approved measures shall thereafter be implemented prior to the occupation

of the 20th dwelling within Phase 4 and retained at all times (other than in emergency).

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

