

PLANNING COMMITTEE – 4th December 2025**PART 2**

Report of the Head of Planning

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

REFERENCE NO 25/501147/REM		
PROPOSAL 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.		
SITE LOCATION Land at Wises Lane, Borden, Kent, ME10 1GD		
RECOMMENDATION Delegate to the Head of Planning to approve the 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 Borden Parish Council have objected and requested that the application be determined by the Planning Committee on the grounds of highway safety and the open space not being for all.		
Case Officer Carly Stoddart		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Darren Day AGENT DHA Planning
DATE REGISTERED 25.03.2025		TARGET DATE 11.12.2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - <u>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. Land At Wises Lane Borden Kent ME10 1GD</u>		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site consists of a large area of land which extends from School Lane to the west, to Wises Lane in the east. The site forms Phase 2F of the 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. This site forms the southern edge of the wider site.
- 1.2. The application site is currently formed of open agricultural land and is located adjacent to the Skylark Mitigation Land which was secured by legal agreement as part of the hybrid planning permission.
- 1.3. Borden-Chestnut Street Conservation Area is located to the south-west of the most north-westerly point of the application site. There are listed buildings located within the Borden-Chestnut Street Conservation Area. Three public rights of way (PROWs) cross the application site ZR117, ZR119 and ZR121.

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. Relevant applications are listed 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 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 April 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 Applications associated with the Hybrid

- 2.17. **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.
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 Phase 2F

- 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 the reserved matters of access, appearance, landscaping, layout and scale for Phase 2F of the wider development approved under reference 17/505711/HYBRID. This phase comprises an area of open space.
- 3.2. A multi-functional area of open space is proposed. The southeastern end of the phase is dedicated to more formal play and sporting use, providing a Neighbourhood Equipped Area of Play (NEAP), activity zone, rugby training pitch and two kickabout areas. Detailed designs for the play area accompany the submission, providing a variety of play equipment, including a zipline, slides and swings.
- 3.3. The rugby training pitch (7,700m²) and kickabout areas (each 1,000m²) match the locations and sizes of the pitches as identified within the hybrid permission and will be available for use by all users.

- 3.4. Throughout the open space a series of formal walking routes are proposed, tying in with existing PROWs ZR117, ZR119 and ZR121. It is proposed that these form a bound gravel footpath for use year-round.
- 3.5. Wildflower planting is proposed along with new tree planting, pockets of woodland and understory woodland wildflower seed. Areas of amenity grassland are proposed in locations throughout the phase, allowing for recreational enjoyment by future users. Benches and picnic areas are also provided at locations, along the proposed footways and overlooking the play areas and sports pitches.
- 3.6. As approved under reserved matters application 24/500856/REM which relates to the earthworks for this phase, an area within the centre of the phase is retained for the established Fiery Clearwing moth habitat. As with the earthworks application, this area is shown in the current plans as a raised bund providing free draining conditions suitable for the habitat. A licence has already been secured to undertake works associated with Fiery Clearwing moth habitat.
- 3.7. Existing trees and hedges are to be retained and incorporated into the design, including the existing established hedge which runs along the northern boundary adjacent to PROW ZR119. An area of fruit tree orchard planting is also incorporated into the design.

4. REPRESENTATIONS

- 4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers. A notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. 2 letters of representation objecting to the proposal were received. Concerns/ comments were raised in relation to the following matters:

Comments	Report reference
Highway safety – conflict with people and vehicles if balls end up on the highway.	7.11.4 – 7.11.6
Negative impact on wildlife to date – site better used for wildflower meadow.	7.10.3 – 7.10.4
No safe pedestrian route from the application site to Borden Village and its amenities.	7.11.7

- 4.3. **Borden Parish Council** were notified of the application and the submission of amended details. They object to the application on the following grounds:

First Round Comments	Report reference
Should be an open space recreational area for all.	7.15.3

Highway safety issue due to activities undertaken at a higher visual plane being a distraction to drivers of vehicles.	7.11.4 – 7.11.7
Highway safety issue as nothing to contain balls within the kickabout area. Any fencing would harm open countryside and hedging would be insufficient.	7.11.4 – 7.11.7
Highway safety issue for pedestrians crossing road from the Rugby Club to the training ground.	7.11.7
Second Round - Additional Comments	Report reference
The Parish Council requested that the designated area for training pitches and any white lines be removed from the plans and retained as general open space to better serve community needs.	7.6.4 - 7.6.5
Concern that green space is not shifted from Phase 1a to Phase 2F	7.6.3
The Parish Council do not recognise claims of agreement regarding the Wises Lane Monitoring Group (WLMG)	7.14.2
Claims that the Rugby Club will not enter the practice pitch are doubtful	7.6.4

- 4.4. **West Kent Badger Group** 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:

Comments	Report reference
Would like assurance that measures set out in the Ecological Technical Report, TR31 will be implemented.	7.10.8
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.	7.10.7 - 7.10.8
Consideration should be given to how wildlife corridors will be protected and how the development promotes the conservation, restoration and enhancement of ecological networks.	7.10

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 has been one round of consultation

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

- 5.2. **KCC Highways** – Two rounds of consultation have been carried out. No objection following receipt of further information regarding boundary treatment around the ‘kick about areas’ subject to the provision of the boundary treatment being conditioned.
- 5.3. **KCC Flood and Water Management** - No comments to make.
- 5.4. **KCC Minerals and Waste**- No land-won minerals or waste management capacity safeguarding objections.
- 5.5. **KCC Ecological Advice Service (KCC EAS)** – Two rounds of consultation have been carried out. There does not appear to be a reduction in open space or habitats to support protected/notable species when compared to the original application. Although there would be some reduction of scrub where it is replaced with wildflower meadow, there is no objection provided that it is suitably managed.
- Fiery clearwing moth habitat is shown but further details will be required regarding the establishment and management of the habitat in the long term.
- A badger survey confirmed no active setts currently present (at the time of survey). This is accepted but a further survey will be required within 6 months prior to commencement of works in accordance with condition 59 of the hybrid permission.
- A precautionary approach towards vegetation clearance will be implemented with regard to reptiles. This is considered satisfactory subject to an area of retained vegetation being clearly demarcated to ensure they are not cleared.
- Satisfied the CEMP discharged under 22/500639/SUB is still valid for this application.
- 5.6. **KCC Archaeology** – A Written Scheme of Investigation has been approved as part of condition 66. Archaeological evaluation has been undertaken within this phase and although not formally submitted pursuant to condition 66, the report has been received by KCC Archaeology. There are significant archaeological finds that are to be preserved in situ. Details of this can be secured under condition 67 of the hybrid permission which requires the implementation of safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation.
- 5.7. **KCC Public Rights of Way (PROW)** - No comment to make. Recommend informatives.
- 5.8. **SBC Greenspaces** – Three rounds of consultation have been carried out. Pleased to see linkages of path with ZR121 to ZR119 and the inclusion of naturalised seasonal

bulbs. The revisions to the equipment within the NEAP have addressed previous concerns that the NEAP did not have the right balance. Timber knee rail is adequate boundary treatment for the NEAP and the inclusion of lower rail weldmesh makes it dog friendly.

The inclusion of litter bins is needed, particularly in the more active zone (play and pitches) and at the intersection with the access onto the site. The soft landscaping is generally acceptable, but the grass pitch specification is very general. It needs to be useable all year round. The Management and Maintenance Plan would need bin emptying included and more detail regarding pitch maintenance.

- 5.9. **SBC Tree Officer** - Two rounds of consultation have been carried out. The general arrangement of landscaping and the overall management plan is generally acceptable. The revised mix of planting now includes longer lived species as requested. The arboricultural method statement appears to provide sufficient protection measures for the retained trees.
- 5.10. **Environment Agency (EA)** - The EA is not a statutory consultee for reserved matters applications so no longer provide comments on these consultations. It has been advised to take account of any planning conditions, informatives or advice and comments provided in the response to the outline application.
- 5.11. **Natural England (NE)** - No comment.
- 5.12. **Active Travel** - Refer to standing advice.
- 5.13. **Lower Medway Internal Drainage Board (LMIDB)** - The site does not impact the Board's interest. No comment to make at this time.
- 5.14. **Southern Water** - Insufficient information regarding drainage. Recommends a condition.
- 5.15. **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.

6. DEVELOPMENT PLAN POLICIES

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

ST1 Delivering sustainable development in swale

ST5 Sittingbourne Area Strategy

MU3 Land at south-west Sittingbourne

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

DM14 General development criteria

DM17 Open space sports and recreation provision

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

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 and Visual
- Heritage
- Archaeology
- Open Space
- Landscaping
- Ecology
- Transport and Highways
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions of Existing Residents
- 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 which granted the hybrid planning permission that is listed above under reference 17/505711/HYBRID. The site forms Phase 2F of the outline area of the hybrid permission.
- 7.2.4. 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 matter stage. Assessment of the proposal's compliance with relevant conditions and aspects of the s106 is discussed in the sections where relevant 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 has been established and cannot be reviewed.

7.3. Landscape and Visual

- 7.3.1. 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. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*'. The landscape and visual impacts of the overall development scheme was considered at the appeal stage to be acceptable with the harm identified at the time being outweighed by the public benefits.
- 7.3.2. In addition to the above, Policies CP4 and DM14 of the Local Plan seek the creation of attractive places, the strengthening of the sense of place, the conservation and enhancement of the landscape and natural environments through, amongst other things, the use of landscaping design and open space.
- 7.3.3. Further consideration of the impact of this phase of the development on the landscape was considered as part of the reserved matters application for earthworks proposed

within this space as approved under 24/500856/REM. The earthworks proposals were for cut and fill works required to level out the land sufficiently for it to be developed as more user-friendly open space for the purposes of recreation.

- 7.3.4. The larger areas of cut and fill are generally located within the centre of the site with smaller levels of fill located to the edges. The earthworks were for the general levelling of the land, rather than significant rising, or lowering of the entire plot.
- 7.3.5. This current proposal is for the details of the open space provision required by the hybrid permission. Schedule 4 of the s106 agreement and condition 8 of the hybrid permission secures the delivery of the open space within the wider development in accordance with specified plans. Those plans being drawing 2574-315D – Land Budget – Open Space 2 and David Williams Landscape Consultancy Figure 10.8 drawing number L8 Rev E – Indicative Landscape Strategy Plan. These two plans identify the application site for the provision of sports pitches (to the southeastern end of the site) and woodland and landscape buffer for the rest of the site.
- 7.3.6. In terms of uses, the submitted drawings indicate the area to the southeastern end of the site will accommodate two kickabout areas, a rugby training pitch an activity zone area and Neighbourhood Equipped Area of Play (NEAP). Two picnic spaces are also identified to the west of the NEAP close to the entrance and to the south of the easternmost kickabout area. There are benches proposed with this area providing seating.
- 7.3.7. The height of the picnic tables, benches and litter bins associated with the picnic areas will be limited. The only boundary treatment proposed across the phase comprises timber post and rail to 1m high with weldmesh roll to prevent dog access around the NEAP area. Play equipment will be located within the NEAP and the basketball hoop within the basketball activity zone. None of these elements would be of a scale or appearance that would be highly visible or harmful to the character and appearance of the area. Furthermore, the landscaping proposed would provide screening.
- 7.3.8. For the remainder of the site, the proposals primarily involve soft planting with benches along some of the PROW routes. The PROW routes are proposed as self-binding gravel pathways with timber edges.
- 7.3.9. The proposal complies with the approved masterplan and parameter plans. There has been no change to policies in terms of the impact upon the landscape that would result in a different conclusion. The proposal also complies with Policies CP4, DM14 and DM24 of the Local Plan and the NPPF and is considered acceptable with regard to landscape and visual impact.

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. 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.
- 7.4.4. 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.
- 7.4.5. 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.
- 7.4.6. Chestnut Street CA is located to the west of Phase 2F. 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. Phase 2F is located to the southeast at the point where it bends at almost 90 degrees from a southeasterly direction to a south-westerly direction. Phase 2F follows a similar line to the northern edge of School Lane (NW-SE direction).
- 7.4.7. The setting of the CA on the eastern side was considered by the Appeal Inspector to be formed by School Lane, a narrow country lane rising up the valley side, defined by roadside hedgerows. On the north-eastern side are the large modern agricultural buildings surrounded by the paddock, and a field to the south that has a rural appearance.
- 7.4.8. It was acknowledged that views eastwards from the CA would change, with the main impact restricted to views from the area around the junction of Chestnut Street and School Lane. However, it was concluded that given the degree of separation, the

reduction in the degree and appreciation of openness of the agricultural field to the south-east of the agricultural buildings would be negligible.

- 7.4.9. An extension to Chestnut Street 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.
- 7.4.10. At the point where Phase 2F is located at the approx. 90 degree bend in School Lane (near Hook's Hole Cottage), the phase continues in a southeasterly direction away from the extension to the CA and the CA as a whole. Given the presence of the existing large buildings on the site of Hooks Hole Farm interrupting any area between the extension and Phase 2F that could've formed the setting of the CA, and given the proposal for this phase is for open space, it is considered the development of Phase 2F would not have a harmful impact on the setting of the Conservation Area.
- 7.4.11. In terms of listed buildings, there are 4 medieval timber framed houses on the southern side of Chestnut Street which are considered a significant feature of the CA. They are the Hook's Hole – Grade II*, Olde - Grade II, Tudor Rose/Dumbles Cottage - Grade II, and Oldestede - Grade II*. The immediate setting of the LBs is formed by their separate plots, gardens and driveways which face directly on to Chestnut Street. The immediate setting of Hook's Hole also includes the surviving historic farm buildings with which it is associated.
- 7.4.12. In considering the wider setting of these listed buildings, the Appeal Inspector considered that given the positions of Oldestede, Tudor Rose/Dumbles and Olde, the distance to the development site and intervening landscaping features, the development site does not contribute to the setting or significance of these three properties. The wider setting of Oldestede includes land to the south and west.
- 7.4.13. In consideration of the wider setting of Hooks Hole the Appeal Inspector felt that given the position, scale and visual impact of the large agricultural buildings, the open land beyond to the south-east and that part of the development site beyond does not contribute to the setting or significance of Hook's Hole. However, the paddock to east of School Lane does play an incidental element in its significance and a limited contribution to its setting.
- 7.4.14. 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 Chestnut Street Conservation Area and its associated listed building (and Riddles Cottage and Riddles House to the east) 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.

7.4.15. The proposal for Phase 2F of the hybrid permission is in broad accordance with the layout of the masterplan and with drawing 2574-315D – Land Budget – Open Space 2 and David Williams Landscape Consultancy Figure 10.8 drawing number L8 Rev E – Indicative Landscape Strategy Plan. Although the boundary of the Chestnut Street CA has altered since the appeal decision, it is not considered that the changes would result in the Council coming to a conclusion that would differ from that reached by the Inspector and the SoS. The proposal is acceptable and complies with Policies CP8, DM32 and DM33 of the Local Plan and the NPPF.

7.4.16. 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.

7.5. **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. 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 was approved for this phase on 20.01.2025 under reference 24/504081/SUB.

7.5.4. Archaeological evaluation has been undertaken within this phase and although not formally submitted pursuant to condition 66, the report has been received by KCC Archaeology. There are significant archaeological finds that are to be preserved in situ. KCC Archaeology are satisfied that details of this can be secured and dealt with by condition 67 of the hybrid permission which requires the implementation of safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation before development commences within the phase.

7.5.5. In light of the above, it is considered that the proposal is in accordance with Policy DM34 of the Local Plan and the NPPF.

7.6. **Open Space**

7.6.1. Local Plan Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and ensure that design should contribute positively to

making places better for people. Policy DM17 of the Local Plan seeks to secure the provision of multi-use open space on new developments.

- 7.6.2. Whilst layout was a reserved matter Schedule 4 of the s106 agreement and condition 8 of the hybrid permission secures the delivery of the open space within the wider development in accordance with specified plans. Those plans being drawing 2574-315D – Land Budget – Open Space 2 and David Williams Landscape Consultancy Figure 10.8 drawing number L8 Rev E – Indicative Landscape Strategy Plan. These two plans identify the application site for the provision of sports pitches (to the southeastern end of the site) and woodland and landscape buffer for the rest of the site.
- 7.6.3. In addition, a non-material amendment (that affects the layout) was granted on 25 April 2025 under reference 25/501148/NMAMD which required the relocation of the NEAP from Phase 1A. The change in open space on Phase 1A was mitigated by providing an uplift in open space area in Phase 2F, whilst the NEAP is also to be delivered in Phase 2F as per these proposals. The strip of open space on Phase 1A is now to be provided with a trim trail and footpath connecting with Phase 2F.
- 7.6.4. Taking account of the non-material amendments and the plans secured by condition 8 of the hybrid permission, the layout of this application site shows the southeastern end of the phase is dedicated to more formal play and sporting use, providing a NEAP, activity zone, rugby training pitch and two kickabout areas. Schedule 4 of the s106 Agreement requires the NEAP 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 NEAP. The Strategy also explains the difference between a NEAP and a Local Standard Play Area (LSPA). The main difference being that a NEAP park area also has an area for kickabout soccer which is usually designed to be a MUGA multi use games area.
- 7.6.5. Having been reviewed by the Council's Greenspaces Manager, the revised design of the NEAP is considered to have the right balance of equipment. The timber knee rail boundary treatment is adequate for the NEAP and the lower rail weldmesh makes it dog safe. The sporting provision is also considered acceptable with the inclusion of a condition to ensure details are submitted for the specification of the pitches.
- 7.6.6. Within the remainder of the site, the open space is laid out with planting comprising a mix of wildflower, woodland, orchard and amenity grassland with a series of formal walking routes that link to existing PROWs ZR117, ZR119 and ZR121.
- 7.6.7. Benches and picnic areas are also provided at locations, along the proposed footways and overlooking the play areas and sports pitches. It is considered that litter bins should be provided with the open space particularly in the more active zone (play and pitches) and at intersection with access onto site.
- 7.6.8. Within the centre of the phase is an area retained for the established Fiery Clearwing moth habitat.

- 7.6.9. Overall, the scale and appearance of the development on the site and the layout of the open space in terms of the uses, along with the distribution of the planting types throughout and the native species proposed, is in accordance with the parameters set by the masterplan and drawings 2574-315D – Land Budget – Open Space 2 and David Williams Landscape Consultancy Figure 10.8 drawing number L8 Rev E – Indicative Landscape Strategy Plan of the hybrid permission and is considered acceptable. The proposal complies with Policies CP4, DM14 and DM17 of the Local Plan and the NPPF.
- 7.6.10. The delivery of the open space and the timing of that is secured by Schedule 4 of the s106 Agreement.

7.7. Landscaping

- 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. 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.
- 7.7.3. Landscape general arrangement drawings and a hard landscape and boundary treatment drawing have been submitted along with a Landscape Design Statement, Landscape Maintenance and Management Plan, Soft landscape Specification and Detailed Planting Plans. The general arrangement drawings show the southeastern end of the phase to be dedicated to more formal play and sporting use, providing a Neighbourhood Equipped Area of Play (NEAP), activity zone, rugby training pitch and two kickabout areas. A detailed drawing of the NEAP is also provided.
- 7.7.4. The more active eastern area of the phase is predominantly proposed as grass comprising a playing field grass seed mix and general-purpose meadow mix elsewhere. Woodland planting and understory mix of woodland wildflower seed treatment is proposed to be located along the northern and eastern boundaries of this sports and recreation area at a width of approx. 8m and 4m respectively. It is also proposed to the western side of this area, forming a small soft landscaped buffer within the site between this more active recreational zone and the rest of the open space. Three log piles are proposed to be dotted about this space.
- 7.7.5. Transitioning towards the central and western side of the open space, the proposals show grassed areas comprising flowering lawn mix, general purpose meadow mix and proposed wildflower mix. There is also woodland planting and understory mix of woodland wildflower seed treatment to either end an area of established habitat for fiery clearwing moth. Further grassed area and woodland planting and understory mix

is proposed to the western end. There are two areas of hibernacula and a further three log piles. At the request of the Greenspaces Manager, native bulb planting is proposed along part of the footpaths within the central and western end of the site.

- 7.7.6. There is a 15m landscape buffer along the southern edge of the site approved as advanced planting as required by condition 41 of the hybrid permission. This forms a buffer with the Skylark Mitigation Land to the south beyond the site boundary and there are no changes proposed to what has previously been approved.
- 7.8. The landscaping proposals have been reviewed by the Council's SBC 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. The revised planting mix shows a higher percentage of longer-lived species such as English Oak and Beech added to the mix of native planting and there is no objection to the proposals as set out.
- 7.9. The Council's Greenspace Manager has reviewed the proposals and considers the grass pitch specification to be very general and given that it needs to be useable all year round, it is recommended that further details be secured by condition. A further condition is proposed to secure an updated Management and Maintenance Plan which would need to include litter bin emptying and more detail regarding pitch maintenance.
- 7.9.1. 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 to 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.
- 7.9.2. With the conditions attached to the hybrid permission and the suggested additional conditions, the proposal is 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.
- 7.10. **Ecology**
- 7.10.1. 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.
- 7.10.2. 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 Phase 2F.

7.10.3. KCC EAS have reviewed the 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 proposal has not resulted in a reduction in open space or habitats to support protected/notable species.

7.10.4. A reduction of scrub within the western part of the site is noted where it has been replaced with wildflower meadow. However, provided the meadow areas are managed as detailed within the submitted management plan it is considered that the area can benefit biodiversity.

7.10.5. Fiery Clearwing moth has been recorded within the site and as a result a Fiery Clearwing moth habitat bank is clearly shown on the planting plans. The submitted technical note confirms that this area will be planted/seeded with docks to create suitable habitat. However other than referencing the presence of the Fiery Clearwing moth no details of how this habitat will be established or managed long term has been provided within the landscape management plan. The applicant has confirmed that the LEMP required to be updated via condition 62 of the hybrid will be updated to include details of how the habitat will be established and managed in the long term.

7.10.6. The ecological report has detailed that in addition to the Fiery Clearwing moth the site has the following constraints:

- The hedgerow and young woodland planting provide potential Dormouse habitat, albeit these are to be fully retained under the proposals.
- The area provides opportunities for breeding birds, with the open arable field and grassland area providing potential habitat for ground nesting species such as Skylark, whilst the hedgerow and young woodland planting could support other nesting species.
- Small numbers of Slow worm have been recorded from the northern verge of Wises Lane adjacent to the application area.

7.10.7. A badger survey has been submitted and it has confirmed that no badger setts are currently present on site however (at the time of the survey) inactive badgers setts are present to the south of this phase. In addition, a mammal hole (not badger at the time

of the survey) was recorded in the NW corner of the site. 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.

- 7.10.8. As detailed within the Ecology Technical Note (Badgers) an updated badger survey must 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. As required by condition 59 of the hybrid permission, an updated survey will also need to be undertaken within 6 months of commencement of development for each Phase. The most recent survey was undertaken in March.
- 7.10.9. 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, but it is advised that areas of retained vegetation must be demarcated to ensure that they are not cleared during the landscaping works. A condition is recommended to secure the method and implementation of demarcation during clearance works.
- 7.10.10. 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 a further condition proposed, the application is considered acceptable and the proposal is in accordance with Policy DM28 of the Local Plan and the NPPF
- 7.10.11. This is a reserved matters application related to a hybrid permission that was submitted 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.

7.11. **Transport and Highways**

- 7.11.1. 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.
- 7.11.2. 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.”

- 7.11.3. 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.
- 7.11.4. KCC Highways have reviewed the application and requested clarification of the proposed boundary treatment for the proposed kickabout areas. It was recommended that the boundary comprise dense scrub or similar to reduce the risk of playing equipment from entering the highway onto Wises Lane.
- 7.11.5. The applicant provided a response which confirmed that the buffer is proposed to comprise woodland planting with understory mix. The northern woodland buffer cover 760m² in area and is approx. 8m in width. The eastern buffer covers 140m² in area and is approx. 4m in width. In addition, there is a further approx. 4m distance between the edge of the pitch and the buffer areas (to both the northern and eastern boundaries).
- 7.11.6. In reviewing the application following the submission of this clarification, KCC Highways are satisfied with the proposals and raise no objection subject to the boundary treatment being secured by condition.
- 7.11.7. KCC Highways have not expressed concern with the location of the pitches being a distraction to drivers nor have they raised an issue with pedestrian safety. Connectivity of the wider development site and the surrounding area was considered as part of the hybrid application. On this basis, taking account of the landscaping proposed, the details in term of the layout are considered acceptable and in compliance with Policies CP2 and DM6 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. Impacts in terms of drainage and any flooding was considered as part of the hybrid permission.
- 7.12.2. Southern Water have stated in their consultation response that there is insufficient information with regard to drainage. The hybrid application considered matters to do with flood risk, drainage and surface water and the permission secured conditions to ensure each phase within the overall development site is subject to a detailed drainage strategy which is to be submitted and approved before works commence (Condition 49) and ongoing maintenance prior to use/occupation (Condition 50).
- 7.12.3. As this application is for the consideration of reserved matters of layout, scale, appearance and landscaping, the information referred to by Southern Water is not required at this stage.

7.13. **Living Conditions of 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 proposed use as recreational open space has the potential to impact on the living conditions of any nearby residents, primarily in terms of noise. However, there are no existing residential properties within close proximity to the open space, particularly to the southeastern end which contains the play space, pitches and activity zone that would be detrimentally impacted by the proposal. In addition, the impact of the wider development has already been considered by the Inspector 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 proposal is considered to be in accordance with Policy DM14 of the Local Plan and the NPPF.

7.14. **Other matters**

- 7.14.1. In their response Kent Police advised that, if approved, site security is required for the construction phase. Condition 20 of the hybrid planning permission requires the submission of a construction management plan which lists details of the erection and maintenance of security hoarding during construction of a phase.
- 7.14.2. The Parish Council have stated that they do not recognise claims of agreement regarding the Wises Lane Monitoring Group (WLMG). This is a matter between the Parish Council and the applicant. The applicant has responded to this comment in their submission 'Response to Consultee Comments August 2025'.

7.15. **Conclusion**

- 7.15.1. 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.
- 7.15.2. 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
- 7.15.3. The proposal is for a large area of open space to serve the wider development site and the existing community beyond. 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 open space in terms of layout, scale, appearance

and landscaping 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.

7.16. Recommendation

7.16.1. Grant subject to conditions.

7.17. Conditions

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

Received 12 November 2025

15006 Rev F – Sittingbourne NEAP

Received 21 October 2025

PJC.1338.001 Rev H – Landscape General Arrangement Plan: Overview

PJC.1338.001 Rev H – Landscape General Arrangement Plan: Sheet 1 of 2

PJC.1338.001 Rev H – Landscape General Arrangement Plan: Sheet 2 of 2

PJC.1338.002 Rev C – Hard Landscape & Boundary Treatment Plan Sheet 1 of 2

PJC.1338.002 Rev C – Hard Landscape & Boundary Treatment Plan Sheet 2 of 2

PJC.1338.003 Rev B – Soft Landscape Detailed Planting Plan Sheet 1 of 3

PJC.1338.003 Rev B – Soft Landscape Detailed Planting Plan Sheet 2 of 3

PJC.1338.003 Rev B – Soft Landscape Detailed Planting Plan Sheet 3 of 3

Received 25 March 2025

PJC.1338.011 Rev A – Phase 2F Site Location Plan

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

2. Prior to any site clearance details of the method and implementation of demarcation of areas of vegetation to be retained during clearance works shall be submitted to and approved in writing by the Local Planning Authority. The clearance shall thereafter be carried out in accordance with the approved details.

Reason: To provide a precautionary approach to site clearance in relation to reptiles ensuring areas of retained vegetation are not cleared during the landscaping works.

3. Prior to any site clearance, a timetable for implementation of the soft landscape planting proposals herein approved shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be implemented in accordance with the approved timetable and Soft Landscape Specification reference PJC.1338.004 Rev A, dated 10 October 2025.

Reason: To ensure the approved landscape details are implemented on site in a timely manner.

4. Notwithstanding the submitted details and prior to implementation of the soft landscape planting proposals herein approved, details of a revised pitch specification shall be submitted to and approved in writing by the Local Planning Authority. The pitches shall be implemented in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure the pitch is suitable for use all year round.

5. Prior to implementation of the soft landscape planting proposals herein approved, details of the design, number and location of litter bins to be provided throughout the site and a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. The litter bins shall be provided in accordance with the approved details and the approved timetable and shall be maintained thereafter.

Reason: To ensure adequate provision for litter is provide throughout the site.

6. Prior to implementation of the soft landscape planting proposals herein approved, an updated Detailed Landscape Maintenance and Management Plan (LMMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated LMMP shall incorporate updated details of the maintenance and management of the grass pitches and details of the emptying and maintenance of litter bins. The LMMP shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the Maintenance and Management Plan adequately incorporates maintenance and management of the grass pitch and litter bin emptying.

7. Prior to any site clearance, a timetable for implementation of the Neighbourhood Equipped Area of Play (NEAP), the hard surface basketball area, the grass pitches and all associated boundary treatments and ancillary features shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure the delivery of appropriate play and recreational space for the amenity of surrounding residents.

