

REPORT SUMMARY

REFERENCE NO - 18/502372/EIOUT		
APPLICATION PROPOSAL Outline application for the development of up to 115 dwellings and all necessary supporting infrastructure including emergency access, roads, footpath and cycle links, open space, play areas and landscaping, parking, drainage and all utilities and surface infrastructure works. All detailed matters are reserved for subsequent approval except (a) mitigation of impacts on Great Crested Newts; (b) vehicular access to Grovehurst Road and (c) extraction of brickearth.		
ADDRESS Land At Great Grovehurst Farm Grovehurst Road Sittingbourne Kent ME9 8RB		
RECOMMENDATION Approve		
WARD Kemsley	PARISH/TOWN COUNCIL	APPLICANT G H Dean & Company Limited AGENT Paul Sharpe Associates LLP
DECISION DUE DATE 15/1/2021 – Further extension of time to be agreed.	PUBLICITY EXPIRY DATE 26/03/20	

Planning History

18/502190/EIHYB (adjacent site, forming the main part of the land allocated under Local Plan policy MU 1) - Land North of Quinton Road, Sittingbourne, for the following proposed development which has a Planning Committee resolution to grant:

Phase 1 North - Erection of 91 dwellings accessed from Grovehurst Road, public open and amenity space (including an equipped children's play area) together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including infiltration basins and tanked permeable paving), utilities and service infrastructure works. Full Planning Application - Phase 1 South - Erection of 257 dwellings (including 35 affordable dwellings) accessed from Quinton Road, public open and amenity space, together with associated landscaping and ecological enhancement works, internal access roads, footpaths, cycleways and parking, drainage (including infiltration swales, ring soakaways, and permeable paving), utilities and service infrastructure works.

Outline Planning Application - for up to 852 new dwellings (including 10% affordable housing, subject to viability), a site of approximately 10 ha for a secondary and primary school, a mixed use local centre, including land for provision of a convenience store, public open and amenity space (including equipped children's play areas), together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including a foul water pumping station and sustainable drainage systems), utilities and service infrastructure. All matters reserved, except for access for the schools site from Grovehurst Road.

18/500257/EIFUL (remainder of the parcel of land allocated under Local Plan policy MU 1) - Land Adj To Quinton Farm House, Quinton Road, Sittingbourne, for the following development which was approved on 21.12.2020.

Proposed development of 155 dwellings (8 x 2-bed houses, 77 x 3-bed houses, and 70 x 4-bed houses) together with associated new access road, car parking, linear park with acoustic barrier to the A249, dedicated LEAP, allotments, areas of surface water drainage

attenuation and ecological enhancement, and new planting, including an area planted in the style of an orchard.

1. DESCRIPTION OF SITE

- 1.1 The application site is 4.8 hectares in size. It was previously in arable agricultural use but now sits vacant. The western section of the Sittingbourne Northern Relief Road (Swale Way) is elevated above the site and forms the northern boundary of this parcel of land. The B2005 extends along the western boundary and the Sittingbourne/Sheerness rail link is located immediately to the east. Danes Mead and Godwin Close, existing residential streets, terminate at the southern boundary of the application site. Adjacent to the site, in the southern western corner lies Great Grovehurst Farmhouse, a grade II listed building.
- 1.2 Historically, a complex of agricultural buildings, previously in agricultural use occupied the site, however, these were demolished towards the end of 2017. An overhead powerline crosses the north western corner of the application site and an electricity substation is situated centrally within the site. The site is overlain with brickearth deposits.
- 1.3 There is existing planting along the northern boundary, upon the embankment between the site and Swale Way and along the western boundary in the form of a hedgerow. Close to the listed building are leylandi whilst a brick wall forms part of the boundary between the site and Great Grovehurst Farmhouse. There are two existing points of vehicular access along Grovehurst Road. Although the site is relatively flat the site slopes gently downwards towards the north. This is reflected in the site levels which are broadly 17m AOD at its highest point in the south, to 11.5m AOD at its highest point in the north.

2. PROPOSAL

- 2.1 This application has been submitted in hybrid form.
- 2.2 Detailed planning permission is sought for the following:

Access – Vehicular access to the site is proposed to be taken from Grovehurst Road in the form of a roundabout. The roundabout would also provide access to the parcel of land to the west, which is the subject of the application submitted under 18/502190/EIHYB (as described above);

Brickearth Extraction – The site has approximately 51,000m³ of usable brickearth which is proposed to be extracted from the site. Wienerberger (the sole local brickmaker) intends to take the brickearth in one summer campaign which is proposed to take 10-12 weeks. In broad terms, in the areas of the site where brickearth extraction is proposed, this would result in the existing site levels being reduced by approximately 600mm;

Mitigation of Impacts upon Great Crested Newt (GCN) – GCN are found in the southern part of the site. A temporary receptor area would be protected by fencing which would remain in situ from prior to the extraction of the brickearth through to the completion of the construction of the houses. The temporary receptor area would later become permanent mitigation habitat which would be a minimum of 10m in width and form part of the wider open space provision upon the site.

- 2.3 Outline planning permission is sought for the construction of 115 dwellings with matters of appearance, landscaping, layout and scale reserved for future consideration. An illustrative Masterplan and an illustrative Urban Design Framework drawing has been submitted to show how the dwellings and the streets could be laid out within the site. In addition to this, a series of parameter plans have been submitted setting out the proposed land uses within the site, building heights and areas of open space.
- 2.4 In addition to the GCN habitat which is part of the detailed element of the scheme, further areas of open space are proposed in the northern part of the site and along the western boundary of the site. A children's play area is indicatively proposed towards the southern end of the site.
- 2.5 Although as set out above, appearance, landscaping, layout and scale are reserved matters, a Design and Access Statement has been submitted to demonstrate how the site could be developed. Amongst other matters, this document includes a detailed site analysis, explores character influences from the surrounding area, looks at site constraints and relevant planning policies and sets out how the Design Review Panel has influenced the application. The document moves through a process of considering land use and density, access and movement within the site and open space and ecology which then feeds into an urban design framework. This deals with the proposed approach to various parts of the site, including building heights, street layouts and materials and arrives at an Illustrative Masterplan.

3. PLANNING CONSTRAINTS

- 3.1 Within the setting of grade II listed building – Great Grovehurst Farmhouse.

4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 Delivering sustainable development in Swale; ST 2 Development targets for jobs and homes 2014-2031; ST 3 The Swale settlement strategy; ST 4 Meeting the Local Plan development targets; ST 5 The Sittingbourne area strategy; CP 2 Promoting sustainable transport; CP 3 Delivering a wide choice of high quality homes; CP 4 Requiring good design; CP 5 Health and wellbeing; CP 6 Community facilities and services to meet local needs; CP 8 Conserving and enhancing the historic environment; MU 1 Land at north-west Sittingbourne; DM 6 Managing transport demand and impact; DM 7 Vehicle parking; DM 8 Affordable housing; DM 14 General development criteria; DM 17 Open space, sports and recreation provision; DM 19 Sustainable design and construction; DM 21 Water, flooding and drainage; DM 28 Biodiversity and geological conservation; DM 29 Woodlands, trees and hedges; DM 31 Agricultural land; DM 32 Development involving listed buildings; DM 34 Scheduled Monuments and archaeological sites

Policy MU 1 as referred to above deals with the wider allocation at north-west Sittingbourne, which this site forms part of. The policy relates to the entirety of the allocation although the supporting text deals specifically with this site. As such, I will as follows reproduce the supporting text, and follow this with the policy wording itself:

Supporting Text

“6.6.27 This flat area of land, located in the northern part of the allocation, is currently in agricultural use and includes a number of former agricultural buildings that have

been converted for various retail/employment purposes. The western section of the Sittingbourne Northern Relief Road (Swale Way) forms the northern boundary of this site, the B2005 extends along the west boundary and the Sittingbourne/Sheerness rail link is located immediately to the east, all of which act to enclose the site and detach it from the wider area. The site is well related to existing residential development to the south where a secondary means of access could be provided. Adjacent to the site is Great Grovehurst Farm, a listed building.

6.6.28 This site is well located in terms of accessibility. Kent Highway Services advise that this site has the option to take access from Swale Way, Grovehurst Road and possibly Godwin Close and Danes Mead. Formation of any new residential road junctions directly onto Swale Way may prove difficult due to level differences, traffic volumes, and visibility issues. A more suitable alternative may be to achieve access opposite the main spine road serving the whole allocation (situated in the Pheasant Farm section of the allocation described above). It will be for the developer to demonstrate that acceptable accesses could be formed, given the traffic volumes and speeds, through the submission of a Traffic Impact Assessment.

6.6.29 Re-modelling of the A249/Grovehurst Road interchange is anticipated in the future, due to the increased use of Swale Way as further development in the centre of the town and at North East Sittingbourne commences, as well as from this allocation. Land to the north of Swale Way has already been safeguarded, through a Section 106 agreement attached to an implemented planning permission, and is likely to be used to facilitate the interim improvements to the A249/Grovehurst Road junction. Should the Transport Assessment indicate an interim scheme which has any additional requirement, this will need to be taken into account in the Masterplan/development brief for the overall allocation or planning applications for this site.

6.6.30 In total some 120 dwellings are envisaged for this area.”

Policy

“Planning permission will be granted for mixed uses on land at North West Sittingbourne, as shown on the Proposals Map and will comprise a minimum of 1,500 dwellings, community facilities and structural landscaping and open space adjacent the A249. Development proposals will:

1. Be in accordance with a Masterplan/Development brief prepared by the landowners/developers involved in the delivery of the allocation, in consultation with the Borough Council and which reflects the requirements of this policy;
2. Be in accordance with Policy CP 4 and in particular, achieve an integrated landscape strategy to provide a minimum of 22 ha natural and semi-natural greenspace and other open space as a continuous buffer along the A249 that will form part of the important local countryside gap between Sittingbourne and Bobbing/Iwade in accordance with Policy DM 25 and Policy A 17 for Iwade, as well as contributing toward an appropriate link between the two via Bramblefield Lane/old Sheppey Way. This area will link to a network of green spaces and corridors throughout the allocation to achieve open space provision;
3. Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with

Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;

4. Provide on-site flood mitigation measures;

5. Integrate heritage assets, having regard to their setting;

6. Be accompanied by a Health Impact Assessment in accordance with Policy CP 5;

7. Be supported by a Transport Assessment and access strategy in the Masterplan /development brief to determine the need and timing for improvements to the transport network and phasing of development and address the following:

a. The scale, nature and timing of interim improvements at Grovehurst Road/A249 junction and if necessary at the Bobbing/A249 junction;

b. Identification of vehicular access points from Quinton Road and Grovehurst Road and mitigation of traffic impacts on the local road network and existing neighbourhoods by defining an appropriate quantum of development relative to these access points;

c. The timing of any necessary off site highway improvements relative to the phasing of development;

d. Identification of improvements to the public transport network between the site and Sittingbourne;

e. Encouragement of increased rail use from Kemsley Halt through enhancement of the facilities there and public pedestrian and cycle links;

f. Secure safe and attractive pedestrian and cycle links within the development and to the adjacent network including links to Iwade over the A249;

g. Have regard to the availability of land to the north of Swale Way already safeguarded for the remodelling of the A249/Grovehurst Road junction and should the mitigation design require it, within any other relevant allocation.

8. Achieve a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;

9. Achieve suitable means of sustainable energy production and carbon reduction measures compliant with Policies DM 19 and DM 20;

10. Secure new primary and secondary schools on site, with dual public/school use facilities (including a land reservation for its provision), to include land for artificial playing pitches; and

11. Provide appropriate community facilities and other infrastructure within the site to meet the needs of future residents, including those within the Local Plan Implementation and Delivery Schedule, in particular those arising from primary health care, libraries and community, learning and skills services.”

4.2 Local Plan Review Pre-submission Draft (LPR): The consultation on this document commenced on 8th February and will run until 30th April 2021.

In effect, and given that this consultation exercise is on-going, there is very limited weight that can be given to the LPR, because the extent and nature of any objections

(or whether any objections are made by Statutory Consultees) to policies and allocations is not yet known. This will probably not become clear until late Spring/early Summer 2021.

- 4.3 Kent Minerals and Waste Local Plan 2013-2030 Policies CSM 5: Land-won Mineral Safeguarding; DM 7 (Safeguarding Mineral Resources) and DM 9 (Prior Extraction of Minerals in Advance of Surface Development).
- 4.4 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.5 National Planning Practice Guidance (NPPG): Air Quality; Appropriate Assessment; Environmental Impact Assessment; Flood risk and coastal change; Historic environment; Housing supply and delivery; Minerals; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Use of planning conditions; Water supply, wastewater and water quality.
- 4.6 Supplementary Planning Documents (SPDs): Developer Contributions (2009); Parking Standards (2020).
- 4.7 Supplementary Planning Guidance (SPG): Listed Buildings - A Guide for Owners and Occupiers.

5. LOCAL REPRESENTATIONS

- 5.1 Letters of objection to the application from 4 separate addresses have been received, raising the following summarised concerns:
 - The proposed pedestrian / cycle link from Godwin Close will give rise to noise and disturbance and is open to abuse from motorcycles;
 - The area where the proposed pedestrian / cycle link is located is prone to flooding, which will be exacerbated by lowering the site levels;
 - The Flood Risk assessment is incorrect where it states that sewer flooding has not affected the site and that the risk from overwhelmed sewers is low. This is contradicted later in the document where the EA map shows the risk from surface water flooding is high;
 - The development will give rise to unacceptable levels of overlooking and a loss of privacy and the development should be amended to address this by reconfiguring the layout of property and planting;
 - The loss of leylandi adjacent to Great Grovehurst Farmhouse will give rise to a significant loss of habitat for birds and give rise to harm to visual amenities;
 - The setting of Great Grovehurst Farmhouse (grade II listed building) would be harmed due to the proposed storey heights of the dwellings. Therefore, 3 storey units should be moved further away from the listed building and planting should be provided to screen the development. Materials used should complement the listed building;

- Suitable steps need to be taken during construction to preserve the walled garden at the rear of Great Grovehurst Farmhouse;
- Security to prevent access to the listed building will be required;
- The pond within the grounds of the listed building should be regenerated;
- Comments on other applications have demonstrated that there is not capacity for foul sewerage disposal – therefore concern is raised that this proposal will result in untreated sewerage being discharged to Milton Creek with disastrous consequences on the local environment and the creation of health hazards;
- Concern regarding the impact upon the local road system, pollution, the impact on healthcare providers, additional strain on schools and the ability of water providers to meet the increased demand;
- The Highway Authority needs to address the issue of surface water flooding.

6. CONSULTATIONS

- 6.1 Cllr Mike Dendor (Ward Member) – There has been various correspondence between myself and Cllr Dendor and it has been confirmed that *“I will not call-in this Outline application 18/502372/EIOUT, as long as it contains a Condition that the exact treatment of the Boundary between Grovehurst Farmhouse pond and the new Estate is reserved for future discussion, that discussion to include ward members and that no occupancy to take place until the matter is decided and implemented.”*
- 6.2 Cllr Derek Carnell (Ward Member) – There has been various correspondence between myself and Cllr Carnell and it has been confirmed that *“I will not call-in this Outline application 18/502372/EIOUT, as long as it contains a Condition that the exact treatment of the Boundary between Grovehurst Farmhouse pond and the new Estate is reserved for future discussion, that discussion to include ward members and that no occupancy to take place until the matter is decided and implemented.”*
- 6.3 KCC Highways & Transportation – Initially responded objecting to the application for the following summarised reasons:
- A revised access arrangement with accompanying road safety assessments should be presented and agreed.
 - Junction assessments demonstrating the impact of the development to the A249/Grovehurst and St Pauls/Mill Way junctions must be provided.
 - Proportionate mitigation should be agreed for the additional junctions identified as being above capacity in this response.
 - An independent Framework Travel Plan should be presented in order to demonstrate how this application alone will incentivise sustainable transport choice and address air quality concerns.
 - Details of drainage resolution for surface water issues at Godwin Close should be presented.
 - Proportionate mitigation towards the wider allocations bus and rail strategy should be presented.

As a result of the above, further information was provided and I re-consulted with KCC Highways & Transportation who commented as follows:

“Access proposal - We welcome the change to the primary access to take the form of the roundabout as now proposed. Further details on the design, replicating that being proposed by the site opposite will need to be submitted. Details should include tracking for HGV's, further details on the ped/cycle crossing and a Stage 1 Road Safety Audit for our assessment. A full assessment on the capacity of the proposed roundabout should also be provided.

Indicative Masterplan - Noting that the document is only indicative in form, we would advise that the internal roads should be constructed to meet the Kent Design standards for Minor Access Ways as a minimum. Tracking for an 11.4m refuse vehicle would be required in any future detailed application.

A number of outstanding issues remain from our original response in July 18 and we await further information from the applicant before our holding objection could be removed.”

Further to the above comments, a bespoke Technical Note in response to the points was submitted. Due to this, I re-consulted with KCC Highways & Transportation (this was also on the basis that the application now proposed 115 dwellings, increased from 110 when first submitted). The further comments were as follows:

“Change in number of dwellings - It is accepted that the increase by 5 dwellings would not make any material change to the completed Transport Assessment or unduly affect junction performances. The only difference in our previous representations would be that Section 106 contributions must now be calculated for the full 115 dwellings.

Site Access - The proposed roundabout access is welcomed and has been assessed in terms of its compliance to highway standards, performance and the tracking.

The associated Toucan crossing has been relocated on drawing D11812 Rev C and now accords with the set standards within TD 16/07.

Swept analysis has been completed for both an 11.4m refuse truck and 16.5m HGV, this demonstrates the design is appropriate for all movements expected.

The change to roundabout from the previously proposed priority junction demonstrates that the junction has sufficient reserve capacity.

The Stage 1 Road Safety Audit appears to remain outstanding and the Authority will need to understand as to whether it is this application or that of the Persimmon site opposite that would be delivering the scheme under a Section 278 agreement.

Godwin Close Pedestrian/Cycle Link - The link design has been reviewed and is agreed as appropriate for a permissive route. The route will need to be maintained within any landscape management plan and would not be adopted by KCC Highways.

Drainage - The proposed drainage strategy has been passed to colleagues for their further review.

Emergency Access - The evidence of Manual for Streets has been reviewed along with the Kent Design Guide. It is agreed that the internal loop within the Masterplan

and proposed roundabout access allows for emergency access and as such, in this instance, a secondary vehicular access is not required.

Travel Plan - The travel plan has been reviewed and it is agreed that the plan largely meets the requirements of Swale Local Policies ST1, CP2 and MU1 in respect of their expectations on sustainable transport. The submitted plan however does not appear to include references to the latest Section 106 commitments in respect of cycling infrastructure and improvements to Kemsley Halt.

Walking - The combined MU1 sites offer good permeable walking connections to existing employment, local schools and transport hubs. Included within the plan is a commitment to deliver in internally signed walking/jogging routes to promote active lifestyles.

Cycling - Good connectivity is available through site and the appropriate parking standards are being promoted.

Two new Toucan crossings are to be provided on the Grovehurst Road, one on the Quinton Road and an upgrade to the signalised crossing on the B2006. These need to be included in the plan.

A new largely off-road cycle route will be provided between Iwade and Sittingbourne Town Centre routing through the development site on the Western Side of the Grovehurst Road. These need to be referenced in the plan.

EV Charging - Clarity on the expected EV charging provision for private vehicles will need to be detailed.

Public Transport - Bus frequency and infrastructure in the form of new shelters and stops are to be provided through commitments in the Section 106.

Improvements are to be made to the facilities at Kemsley Halt through the Section 106 agreement and these should be referenced in the plan.

Included within the Travel Plan are a series of actions listed as "Potential". The "Potential" wording should be removed to ensure the expected actions are completed and fully funded.

Junction Assessment Impact - Officers have been in regular contact with the transport consultants in respect of junction assessments. Additional funding has been secured for footway and cycling improvements between the site and Sittingbourne Town Centre to mitigate the development impacts on the St Paul's/Mill Way junctions. The junctions of the B2006 will operate at levels exceeding their capacity in future years irrespective of the development. Significant measures for sustainable access are being secured through the Travel Plan and Section 106 to mitigate this applications impact and as such the promoted strategy is accepted.

Concluding summary - The applicant will need to provide the following prior to final determination of the Highway Authority being made;

- 1. Stage 1 Road Safety Audit for the access roundabout demonstrated on drawing D11812 Rev C along with information as to when and who is expected to deliver it.*
- 2. An update to the Travel Plan to include all those revisions now agreed with the combined owners/developers of the MU1 allocation.*

3. *A full list of the Section 106/278 commitments being offered by this application.*”

On the basis of the above, further details were provided and I re-consulted with KCC Highways & Transportation who commented as follows:

“Site Access - The Stage 1 Road Safety Audit has been submitted and have been reviewed. There are no issues raised that could not be addressed through the Section 278 adoption process and as such the Highway Authority is content the design is appropriate and deliverable for access to the development.

The applicant has confirmed that the expectation that the developers associated with planning application 18/502190 would be delivering it. As such a suitably worded Grampian condition as suggested below would be required prior to any occupation of dwellings.

Travel Plan - The travel plan has been reviewed and it is agreed that the plan largely meets the requirements of Swale Local Policies ST1, CP2 and MU1 in respect of their expectations on sustainable transport. The applicants latest letter dated 3rd March confirms their commitment to making appropriate Section 106 contributions to those schemes identified by the Highway Authority. A meeting will be held between all contributing applicants to ensure equitable amounts are made by all.

Grovehurst/A249 Junction - The junction has been demonstrated to be operating beyond its operation capacity and as such a Grampian restriction will be required limiting any occupations until such a time as the Highway Authority have awarded a contract for the Grovehurst interchange improvements. The agreed Section 106 contribution for that scheme should then be made in two instalments at triggers as yet determined.”

On the basis of the above, no objection is raised subject to conditions relating to a construction management plan; no occupation of dwellings prior to highway works being completed; reserved matters details to show details of parking; cycling storage provision; works between the dwelling and the adopted highway to be completed prior to occupation; no occupation until confirmation of a contract for the A249/Grovehurst junction works being awarded.

In addition, no objection is raised subject to the following being secured via the S.106 agreement; Contributions for A249 / Grovehurst Junction and A249/Bobbing Junction; Contribution towards Grovehurst Access Roundabout and toucan crossing; 2 pairs of bus stops on Grovehurst Road; Toucan Crossing on Grovehurst Road; Contribution to Bramblefield Lane to Iwade Cycleway; Contribution to Kemsley Halt railway station improvements; Travel Plan and vouchers towards rail / bus tickets / cycle equipment; Contribution towards Quinton Road to Sittingbourne Town Centre cycle route.

In addition to the above, further information was provided by the applicant in respect of the proposed timescales for this development. This allowed an analysis to be completed to ensure that the S.106 and S.278 requirements across the various developments at NW Sittingbourne and Iwade are proportionately allocated. KCC Highways & Transportation commented as follows:

“Grovehurst/A249 Junction - The applicant has provided further evidence in respect of their proposed build out. It is understood that there is a requirement to extract brick earth minerals and relocate Great Crested Newts from the site which are likely to take considerable time. This would result in the site being unavailable for residential

occupations prior to the end of 2022. Taking into account the following factors it is agreed that the development could proceed without the need of Grampian restrictions - the likely build out timescale before occupation of dwellings, the timescale of the proposed KCC HIF improvement at the A249/Grovehurst junction, the position of Highways England towards the application, the location of the site and the agreement of delivering sustainable transport measures prior to occupation.”

As a result, no objection is raised subject to the conditions as referred to above, and an additional condition requiring land to be made available to the Highway Authority and S.106 contributions as follows:

“1. A249/Grovehurst Junction. A contribution of £572,621 towards mitigation measures at the Grovehurst Road/A249 junction. To be payable in two instalments at 50% prior to the occupation of the 50th dwelling and 100% prior to the occupation of the 85th dwelling.

2. The provision of funding towards Bus Stops including shelter improvements on the Grovehurst Road amounting to £2,624. To be provided prior to any occupation.

3. Travel Plan provisions of £16,659 to be made to the consultant awarded with administering the co-ordinated Travel Plan prior to any occupation. Trigger to be 50% on commencement and 100% on 50% occupation of the application.

4. The provision of a Sustainable Transport Voucher issued to each new homeowner amounting to £350 per dwelling, £40,250 in total. To be provided to the first homeowner at the point of sale of each dwelling and for the purposes only of either; a.) A Bus Travel Voucher b.) A Rail Travel Voucher or c.) A voucher to be used at a local or national Cycle Store.”

Further to the above, and as a result of discussions between the various applicant's bringing forward applications at NW Sittingbourne and Iwade, it has been later agreed that as the bus stops referred to above will be provided by the adjacent development (18/502190/EIHBYB) that this amount - £2,624 - will be redirected towards Travel Plan provisions. In addition, the land required by KCC for the Grovehurst Junction works are to be secured as part of the S.106 agreement rather than by condition.

6.4 Highways England – Initially stated that as transport modelling work and the required highway mitigation was still being progressed a recommendation was made that the applications were not determined at this point (other than for refusal). It is noted that the transport evidence submitted was the same as for the neighbouring application being dealt with under the Local Plan allocation and the specific comments were as follows:

“Construction - The development will be constructed in a number of phases over a period of around 13 years. The Transport Assessment (TA) states that it is expected that a Construction Management Plan (CMP) would be a condition of planning permission and that this would be submitted to Kent County Council, prior to the construction progressing. The purpose of the plan will be to manage construction and delivery vehicle movements to and from the site. Highways England would also need to be consulted on this document due to proximity of the site to the A249.

Existing traffic conditions - Whilst collision data has been obtained from KCC, a summary of the number of collisions is provided in the TA but with no detailed analyses including contributory factors or conclusions drawn being provided. We

require further detail to be provided in order to ascertain whether there are existing safety issues on or adjacent to our network that might be exacerbated by the proposed development.

Baseline traffic flows - Tempro growth factors have been applied to the 2015 traffic flows to represent 2031 (Rural Trunk Road for Swale Areas 007, 009 and 10-13):

- 2015-2031 AM Peak = 1.2159 (rural trunk road)

- 2015-2031 PM Peak = 1.2154 (rural trunk road)

- 2015-2031 AM Peak = 1.1583 (urban principal road)

- 2015-2031 PM Peak = 1.1579 (urban principal road)

It is unclear how the growth factors have been estimated, and we have been unable to replicate them using TEMPRO. We require further information on how the growth factors were calculated.

Trip distribution - Residential trips have been distributed using Census data, and secondary school trips using a gravity model. The distribution data was used in conjunction with "driving route information from an extract of digital road network in GIS to derive the proportion of the total generated trips that pass through each of the junctions analysed". No further details have been provided on the distribution analysis. We require further information on the distribution analysis, including the Census data, routing assumptions (including clarification of the meaning of "driving route information from an extract of digital road network in GIS") and details of the gravity model.

On initial review, the traffic generation shown in Figures 8.1 to 8.8 does not seem to correlate with the trip generation provided in the TA. The titles of the figures are also unclear and need to be clarified (i.e. are the "total development flows" full MU1 allocation or the sites that the application refers to?).

Junction modelling and mitigation - Due to the queries outlined above, the modelling provided has not been reviewed however it is clear that mitigation will be required on the SRN.

The TA asserts that an interim improvement scheme has already been agreed in principle with highway authorities for Grovehurst Roundabout. It must be noted that this scheme has not been agreed by Highways England.

It is intended that the development will part fund the implementation of this scheme, and expected that the Planning Authority will collect contributions from other development sites. The quantum of development considered acceptable is not defined and this would need to be subject to discussion with the highway authorities to agree a suitable trigger point.

A mitigation scheme has also been developed for Bobbing Roundabout. Again, it is intended that the development would contribute towards the implementation of the signal controlled scheme. The trigger point for implementation would also need to be agreed with the highway authorities."

Further to the above, additional information was submitted and Highways England commented as follows:

“The access type (combined with the access to the Pheasant Farm site to the west of Grovehurst Road) has changed from a staggered crossroads to a roundabout. (Access location appears approximately the same).

Considering how close this is to the SRN, this might create an additional issue of queuing vehicles extending back to the SRN, as they would have to give way at the roundabout. With the previous layout, southbound vehicles accessing the site would have a free-flow left turn into the site.

This is potentially a substantive change, in addition to the previous concerns, while no new transport assessment (TA) has been provided to address the previous concerns to support this application. A revised TA should account for the previous concerns and the new access, as well as any of the following if applicable:

- Consider any committed developments including those approved since the last consultation.

- Consider any changes to the SRN, including those implemented or agreed since the last consultation.

Since the earlier application we have been involved in reviewing the initial strategic modelling work being undertaken to support your councils Local Plan proposals. Whilst we have approved the base model we have yet to review the future scenarios. We have now been advised that Kent County Council Highways have serious concerns over certain aspects of the future scenario modelling work which will affect this site (and others) but we have not been advised of the nature of these issues. We are due to meet with KCC Highways and colleagues from your authority to discuss their concerns. Accordingly, we are not able to consider the implications of this application until such time as these concerns are resolved. In addition, as previously advised we are unable to accept any further traffic impacts on M2 Junction 5 until such time as the programmed RIS scheme is completed and opened to traffic due to the severe harm any further increase in traffic at the junction would cause.

As stated in our previous response, without an understanding of what mitigations are required and a managed approach to the funding and delivery of such, there is insufficient information for us to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). Accordingly, it is recommended that the application not be determined until the required Local Plan modelling and highway mitigations are agreed along with a managed approach to their funding. This is to provide assurance to both highway authorities that any required mitigations will be fully funded and deliverable.”

In addition to the above, and further to the discussions as referred to above taking place, Highways England removed their objection and recommended that conditions be attached to any planning permission granted. The conditions related to no occupations prior to the M2 Junction 5 scheme being opened to the public; a construction management plan and; the submission of a Travel Plan prior to occupation.

Further to this, I liaised with Highways England on the basis that a Travel Plan had been submitted and sent them the document. Highways England responded to

confirm that on this basis they did not require a condition seeking submission of a Travel Plan.

- 6.5 KCC Ecology – Initially responded setting out that the ecological information provides a good understanding of the ecological interest of the site. However, further information in respect of the GCN mitigation is required prior to determination. Specific comments were made as follows:

The context of the site, in respect of buildings being demolished has altered since the GCN mitigation strategy was written. Concern is raised regarding the proposed GCN mitigation area and as a result there is a need for an updated GCN mitigation strategy to be submitted as part of the planning application.

There is no requirement for a reptile survey but the GCN mitigation strategy should clarify what mitigation will be implemented if reptiles are captured during the GCN mitigation works.

The proposed development is creating green spaces within the development, providing the required ecological mitigation and is therefore likely to enhance the site for biodiversity. Due to the size of the site, a detailed management plan can be secured via a condition.

Bats have been recorded within the site and the proposed green spaces will increase the area of foraging/commuting for bats. There is a possibility that lighting associated with the development could have a negative impact and therefore there is a requirement for a bat lighting strategy which can be secured via a condition.

Finally, Natural England's advice should be sought in respect of whether an Appropriate Assessment is required.

On the basis of the above, further information was submitted and I re-consulted with KCC Ecology. In response, they advised that sufficient information had been submitted to determine the application.

In respect of the GCN mitigation strategy, the following comments were made:

“GCN mitigation strategy has been submitted and it details that during the construction period the GCN will have to be translocated to an onsite receptor site. The receptor site is considerably smaller than the area of suitable GCN habitat currently within the site however due to the short construction period and because there is connectivity from the receptor site to the wider area we accept that the receptor site is suitable on this occasion.

The completed development will result in an increase in GCN habitat and provided it is managed correctly will result in an enhancement for biodiversity.

We advise that if planning permission is granted the Great Crested Newt Mitigation Strategy is implemented prior to any works commencing on site as a condition of planning permission.”

The comments made above regarding the landscape and ecological management plan, bats and the appropriate assessment were also reiterated.

I have also liaised with KCC Ecology regarding biodiversity net gain and specifically the information provided that 15% could be achieved. On the basis of the specifics of the site KCC Ecology have advised that this figure would appear to be appropriate.

6.6 Lead Local Flood Authority (KCC) – Initially responded seeking further clarification of an agreed right to connect to the existing highway drainage system. Additional information was forthcoming and a further consultation carried out. The comments received set out that *“It is noted that the pipe under Swale Way conveys both water from the highway and drainage from the site. We accept the proposal for a discharge off site in to this pipe at no greater than existing greenfield rates.”* On this basis no objection is raised subject to conditions requiring details of a detailed sustainable surface water drainage scheme and a verification report.

6.7 KCC Minerals and Waste – *“The County Council is pleased to see that the development incorporates the prior extraction of 51,000m³ of brickearth, as to ensure that the material is not sterilised. This is in line with policies CSM 5 and DM 7 of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP), as well as the National Planning Policy Framework which states that economic minerals should not be needlessly sterilised by non-mineral development. It is also good to see engagement with the minerals industry (Wienerberger) over the matter, and to have ascertained a destination for the extracted material (Smeed Dean Works). The County Council is also in agreement with the assertion that material will not be extracted for the Great Crested Newt mitigation habitat or the area of the site containing the existing brownfield footprint due to contamination.*

Policy DM 9 of the KMWLP deals with the prior extraction operations themselves, and specifies that planning permission incorporating mineral extraction in advance of development will be granted where:

-The mineral extraction operations are only for a temporary period; and,

-The proposal will not cause unacceptable adverse impacts on the environment or communities.

Therefore, Swale Borough Council as the determining authority should be satisfied that the extraction operations are in keeping with the above criteria. Conditions should also be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

The County Council as Minerals and Waste Planning Authority therefore makes no objection to the application. Furthermore, should the determining authority seek more specialist advice on mineral planning matters as the application progresses, then the County Council will be happy to assist.”

6.8 Environment Agency – No comments to make.

6.9 KCC Developer Contributions – Request contributions towards Primary education land (£2,026.22 per applicable house / £506.56 per applicable flat); secondary education land (£1,932.16 per applicable house / £483.04 per applicable flat); primary education (£4,535 per applicable house / £1134 per applicable flat); secondary education (£4687 per applicable house / £1172 per applicable flat); community learning (£60.43 per dwelling); youth services (£37.58 per dwelling); libraries (£227 per dwelling); and social care (£53.36 per dwelling) + 1 wheelchair adaptable dwelling.

Further to discussions between Officers and KCC it has subsequently been agreed that this development will not be required to contribute to primary or secondary school land.

6.10 UK Power Networks – Raise an objection as the applicant has neither served notified nor satisfied UK Power Networks that the works are not notifiable in respect of the Party Wall Act 1996.

6.11 Natural England – Initially commented as follows:

“The proposal site is situated within 1km of the Swale SPA, Ramsar and SSSI and approximately 2km from Medway and Estuary Marshes SPA, Ramsar and SSSI. As submitted, the application could have potential significant effects on the designated sites. Natural England suggests that it would be sensible for the potential significant effects to be considered via an appropriate assessment.

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area and Ramsar Site may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the sites in accordance with the Conservation of Habitats & Species Regulations 2017. The increased surface water run off as a result of the proposal could have a negative impact on the water quality within the designated site. The SuDS strategy appears to be ecologically robust as a mitigation measure but the potential impact on the designated sites would also need to be considered via an appropriate assessment.”

On the basis of the above, an appropriate assessment was carried out and submitted to Natural England. The following comments were made:

“As submitted, the application could have potential significant effects on Swale SPA, Ramsar and SSSI and Medway and Estuary Marshes SPA, Ramsar and SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information as explained in the previous letter from 27 June 2018 is required:

The increased surface water run-off as a result of the proposal could have a negative impact on water quality within the designated site. The SuDS strategy appears to be ecologically robust as a mitigation measure but the potential impact on the designated sites would also need to be considered via an appropriate assessment.

Without this information, Natural England may need to object to the proposal.”

Further to the above, the agent provided additional information and an amended appropriate assessment undertaken. This was provided to Natural England who commented as follows:

“No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of The Swale SPA, Ramsar and SSSI, Medway and Estuary Marshes SPA, SSSI and Ramsar. <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, or the following mitigation options should be secured:

- Financial contribution to the North Kent Strategic Access Management and Monitoring Strategy (SAMMS).

- The inclusion of a sustainable drainage strategy as described in the appropriate assessment.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.”

6.12 Kent Police – Request a condition or informative is included on any permission.

6.13 Southern Water – Commented that there is currently insufficient capacity at Sittingbourne wastewater treatment works to accommodate flows from the development. Where development has been identified by the Local Planning Authority, Southern Water state that they will attempt to ensure that capacity is available to serve these developments.

Additional studies indicate that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. This network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme. As such a condition is requested relating to network reinforcement. A condition is also requested related to foul and surface water drainage.

Southern Water were re-consulted and did not comment that there was insufficient capacity at the Sittingbourne Wastewater treatment works. It was reiterated that a condition should be imposed relating to network reinforcement; and foul and surface water disposal.

6.14 SBC Affordable Housing Manager – *“As per affordable housing policy DM8, we would seek 10% affordable housing rounded up to provide 12 homes delivered as 90% (11 dwellings) affordable rent tenure, and 10% (1 dwelling) as shared ownership;*

The affordable property types/sizes should be a reasonable and proportionate mix to the open market homes.

I thought it may also be helpful to note that, it could be difficult to secure a housing association on this site due to the low number of affordable homes (12 dwellings). However, I will be more than happy to assist with this if required.

I can confirm that there is a requirement for all types of affordable housing in the Sittingbourne area, including wheelchair adapted housing with greatest demand for this unit type being ground floor one bedroom accommodation.”

Further to the above, there have been discussions between Officers, the agent and Members and it has been agreed that the affordable housing provision for this site (12

units) and the site being considered at Land east of Iwade (ref 19/503974/HYBRID) for 47 units shall be amalgamated and then split across the two sites. The opportunity has arisen as the sites are in control of the same applicant. The agent has also stated that they would be willing to offer an additional dwelling to make the total up to 60, which would then be split evenly, to provide 30 affordable units on each site. The Council's Affordable Housing Manager has commented as follows:

"I am pleased that agreement has been reached to split the affordable units across Grovehurst Farm and the site East of Iwade, with each site now due to deliver 30 affordable units which yields the benefit of overprovision of one affordable home.

This will mean that an increased number of affordable houses will be delivered on the Sittingbourne site at Grovehurst Farm, which is an area of high need, but whilst also ensuring a reasonable number of affordable homes are provided on the Iwade site which is also a sought after area with a need for affordable housing. Furthermore, having 30 affordable units on each site provides better incentives to attract a Housing Association to take on the affordable homes."

- 6.15 Network Rail – Made comments in respect of ensuring that the development does not encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land; cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Also set out that buildings should be at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary; surface water must not be discharged onto the railway; there shall be no plant or materials capable of falling within 3m of the boundary with Network Rail; no oversailing of any scaffolding; details of piling to be submitted to Network Rail's Asset Protection Engineer; the requirement of a fence adjacent to the Network rail boundary; any lighting not to interfere with the signalling apparatus; there is a possibility that noise / vibration impacts should be assessed in the context of the NPPF; if there is parking / hardstanding near the boundary with the railway then approved vehicle barriers should be installed.

"Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at <https://www.networkrail.co.uk/communities/lineside-neighbours/working-by-the-railway/>"

I further discussed the issue as to whether a contribution towards improvements at Kemsley station would be required, although it was clarified (as per the comments of KCC Highways & Transportation) that the contribution towards this facility would be provided by a range of other applications making up the NW Sittingbourne and Iwade allocations.

- 6.16 SBC Rural Planning Consultant – *"I note that the site forms part of land approved for development within the at North West Sittingbourne allocation in the Swale Borough Local Plan.*

The agricultural land concerned has been surveyed as very largely “best and most versatile” quality.

However policy DM31 of the Swale Borough Local Plan 2017 allows development on BMV agricultural land if the site is allocated for development in the Local Plan.

Presumably, therefore the adverse impact of the scheme, in terms of loss of agricultural land, has been taken into account already, in judging the Planning balance in favour of the development in principle.

Consequently I believe there is nothing further I can add in this regard.”

- 6.17 SBC Tree Officer – *Although in outline, based on the amended arboricultural survey details submitted by Lloydbore (report ref: 2488_RP_001 Rev. 8, dated 03/07/2018) development on this site will have little impact from an arboricultural perspective so in principle I have no objections. An arboricultural Method Statement (AMS) and tree protection plan (TPP) will need to be submitted as part of any future detailed application which should be secured by way of suitable conditions.*

From a landscape perspective, the submitted detailed landscaping for the great Crested Newt creation area (Plan ref: 4940-LLB-XX-XX-DR-L-001 Rev. P04, dated 01/10/2018) is considered acceptable.”

- 6.18 Swale NHS CCG – Request a contribution of £99,360 towards refurbishment, reconfiguration and/or extension of Grovehurst Surgery, Iwade Health Centre, Lakeside Medical Centre or The Meads Medical Practice.
- 6.19 SBC Environmental Protection – Commented that the air quality assessment follows acceptable methodology and concludes that the impact upon a selected number of sensitive receptors and the nearest AQMA at St Pauls is negligible. The evidence presented is convincing. Although there are already exceedances in the AQMA this development should not add significantly to an area that will be challenging in the future to reduce air pollution.

There is the potential for disturbance to nearby residents in terms of dust and noise from the site, both during the mineral extraction phase and the development phase. As such, conditions in respect of a code of construction practice in respect of the construction of the development; a brick earth extraction method statement; and demonstration that internal noise levels within residential units and rear gardens is acceptable.

Potential for contamination at the site due to previous agricultural buildings and therefore conditions recommended in respect of contamination.

Further to the above, the Council published technical guidance entitled Technical Guidance entitled ‘Air Quality and Planning’. A damage costs calculation was submitted setting out that the damage cost calculation for the development is £37,004. I have consulted with the Environmental Protection Team in regards to this document who are of the view that the amount is appropriate.

- 6.20 SBC Greenspaces Manager – *“The open space and play area proposals generally appear to be appropriate, balancing the need for biodiversity/providing habitat for GCN with amenity open space and play.*

Much of the multifunctional space to the north identified on the masterplan appears to be pond which I assume is related to drainage needs, but as such need to try to ensure there is appropriate flat space for casual kickabout somewhere on the development.

The proposed play area is away from main road infrastructure and overlooked for a level of natural surveillance. Need to make sure appropriate distances to dwellings are maintained to avoid nuisance and that the level of provision/design is appropriate to the slightly constrained space and location.

In terms of open space, it is also noted that there are proposed new opportunities being developed located at North West Sittingbourne and to the east of Iwade.

Confirm that the Council would not adopt the open space and as such appropriate arrangements for future maintenance would need to be made.

There is no provision for formal sports within the proposal and as such the Council would seek to increase capacity/quality of the nearest provision at either Kemsley Recreation Ground or Milton Recreation Ground as identified in the Swale Playing Pitch Strategy at £593 per dwelling.”

Further to the above, additional comments were provided from the agent in respect of a space on the development for a ‘casual kickabout’. As a result, the Greenspaces Manager provided further comments as follows:

“Satisfied that with confirmation that the drainage features will be dry (mostly) and therefore space multi-functional that this should provide adequate space for informal kickabout.”

- 6.21 SBC Conservation Officer – It is accepted that the degree of significance that the listed building draws from it’s setting is limited, and the setting is already compromised by the modern housing development to the south. By virtue of the Local Plan allocation it is anticipated that some further harm would arise, although this would be outweighed by the public benefits of the housing. However, the duty remains to limit the harm, as set out in the site specific allocation.

Concern regarding the proposed 3 storey housing to the north and northeast of the farmhouse and therefore a mitigation plan should be provided to provide convincing evidence that the development will limit any further harm to the listed building to a very low level. This should be in the form of site sections showing the relevant existing and proposed development and the impact.

Due to the proposed brick earth extraction, the site levels will be reduced by approximately 600mm. This should assist with mitigating the impact upon the setting of the listed building, although consideration should be given to leaving the levels of the GCN area as existing to assist with the effectiveness of the tree screening.

The proposed close boarded fencing on the boundary between the listed building and the site is not appropriate and a boundary treatment to allow appreciation of the relationship between the listed building and the site should be considered.

It is considered that the impact upon the formerly listed Featherbed Farmhouse would be neutral.

In terms of design / urban design considerations, the parameters presented in this application are consistent with those set out in the Development Framework. Although details are not to be provided at this point, a strong contemporary design should be achieved using an appropriate palette of materials. PD rights to those dwellings closest to the listed building may be required to be restricted. Careful design should be given to the design of the proposed access into the development.

Overall the proposal is acceptable from a general design perspective, however, further details should be provided as discussed above.

The agent provided a response in respect of the above comments and the Conservation Officer commented as follows:

The proposed 3 storey element of the development has been reduced and as a result the concerns in this respect have been addressed. It is also noted that the applicant's would be prepared to accept a planning condition in respect of restoring existing ground levels within the GCN mitigation area to assist in screening the listed building by virtue of a combination of land levels and planting.

It is still not considered appropriate for a close boarded fence to form the boundary treatment between the listed building and the site. Preference from a heritage perspective would be for a post and rail fence. However, if this is not appropriate for other reasons then a well detailed brick wall would be appropriate.

Careful consideration will need to be given to the site access in terms of lighting and signage to protect the setting of the listed building. Finally, it is noted that an additional 5 units are proposed (115 as opposed to 110) and no objection is raised to this.

Once the matter of the boundary treatment is resolved then conditions can be recommended.

On the basis of the above it has been agreed with all parties (officers, KCC Ecology, Ward Members) that the matter of the boundary treatment can be dealt with via a condition. On this basis I have liaised with the Conservation Officer regarding the relevant conditions in order to protect the setting of the listed building and have included these below.

6.22 SBC Health and Wellbeing Officer – *“In addition to national policies, the application refers to our local plan and specifically to policy CP5 which is directly concerned with health and wellbeing.*

I note that to promote health and wellbeing an appropriate movement strategy and travel plan will be implemented to support sustainable travel options across the entire north-west Sittingbourne allocation.

Within the proposed development and the wider north-west Sittingbourne allocation a well-connected network of open spaces and amenity areas has been proposed. This includes circular walks, open space and equipped play areas in several locations within the development. These amenity areas will link with those proposed on the land being developed adjacent Quinton Farmhouse which will also feature an area planted as a community orchard and allotment gardens. The creation of these spaces will encourage more active lifestyles and leisure time outdoors, both important factors in addressing some of the physical and mental health issues within the borough.

In relation to the provision of healthcare services the EIA notes that discussions have been held with the National Health Trust in relation to healthcare provision. Further to this I have read the consultation response from the NHS justifying a financial contribution towards the cost of refurbishing, reconfiguring and/ or extending Grovehurst surgery.”

- 6.23 SBC Urban Design and Landscape Officer – Has assessed the application using the Building for Life criteria (now known as Building for a Healthy Life). Of those aspects that can be assessed, it is considered that two of the criteria, ‘Creating Place’ and ‘Streets for All’ are in the ‘red’ category (stop and rethink’). The remaining criteria that can be assessed are all considered to fall into the green category (go ahead).
- 6.24 SBC Climate Change Officer – As this is an outline application, recommends the agreed approach to a condition requiring details of measures to reduce carbon emissions from the development.
- 6.25 Ministry of Housing, Communities and Local Government (Planning Casework Unit) – *“I confirm that we have no comments to make on the environmental statement.”*
- 6.26 KCC Archaeological Officer - *“The submission includes a report from an archaeological evaluation of the site that was undertaken by Wessex Archaeology in August 2017 and was monitored by myself at the time. That evaluation involved the excavation of 17 trial trenches across the site apart from an area identified as an exclusion zone and the area of the former farm buildings. The layout of the trenching and findings is set out in figure 2 of the report dated October 2017. The evaluation confirmed the presence of archaeology on the site, mostly concentrated in the southern areas of the site with some features dateable to Neolithic/bronze Age and the early Iron Age.*

The Design and Access Statement Section 2.4 refers to the archaeology of the site and the findings in the evaluation. It notes that “further archaeological investigation may be required” (para 2.4.4). There is also a requirement set out in section 2.9 to undertake Brickearth extraction prior to development works and it is understood that this will involve lowering the site area by 600mm (para 2.9.11). It has been indicated in the submission that the brickearth extraction is covered by this application and will be secured through a condition on permission.

The submitted EIA Vol 2 includes a section 14 on Cultural Heritage which has been written as a broad statement for the wider NW Sittingbourne development scheme of which this site is a part. While not specific for the site the EIA has set out the stages of archaeological mitigation in paragraphs 14.116 and 14.117. The present site, having been evaluated falls within the scope of para 14.117.

Following the evaluation in 2017 I was involved in discussions with CgMs and the applicant regarding the scope of the archaeological works required to mitigate the scheme impacts as informed by the evaluation. We had initially been in discussion concerning areas of targeted advance investigation (strip, map and sample) and watching brief but given that there is a need to undertake widespread stripping of the site for the brickearth quarrying it was agreed that a more integrated investigation approach with that extraction would be suitable. We still need to agree the scope and methodology of these works and this can be secured through a condition for a programme of archaeological works.”

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by a range of documents, including an Environmental Statement; Air Quality Assessment; Archaeological Evaluation; Bat Habitat Suitability Assessment; Built Heritage Assessment; Design and Access Statement; Ecological Assessment; Flood Risk Assessment; Great Crested Newt Mitigation Strategy; Habitat Regulations Screening Report; Minerals Assessment Report; Noise & Vibration Assessment; Planning Statement; Transport Assessment; Framework Travel Plan.

8. APPRAISAL

Principle of Development

- 8.1 The application site lies upon land which is allocated under policy MU 1 of the Local Plan. The policy, amongst other matters which is set out in full above, sets out that planning permission will be granted for *“a minimum of 1,500 dwellings, community facilities and structural landscaping and open space adjacent the A249.”* This allocation, as part of the Local Plan process, has been formally reviewed by both the Council and the Local Plan Inspector, found to be sound, and therefore adopted as part of the Council’s strategy to 2031. It is therefore the default starting position that the use of this land for the purposes of working towards the provision of “up to 1,500 dwellings” etc. is acceptable in principle, subject to the matters of detail set out below.
- 8.2 This site forms a relatively small part of the wider policy MU 1 allocation and proposes 115 dwellings as part of the overall 1,500 dwelling target. The two applications as set out in the history section above will each contribute to the remainder of the units. In addition to this the school developments are included in the application being considered under ref 18/502190/EIHYB.
- 8.3 It should be noted at this point that the supporting text to the site specific policy, sets out that on this part of the allocation, 120 dwellings are envisaged. The application was originally submitted proposing 110 dwellings on the site and I raised this issue with the agent. The response received was that due to concerns raised by neighbours and the Conservation Officer in respect of the height of the dwellings that the floorspace capacity of the site is limited. In addition, it was suggested that additional flats [the most efficient way to increase the number of units] would not be appropriate on the basis of the current supply of flats in Sittingbourne. Having said this, it was proposed to increase the proposed number of units to 115. All parties were re-consulted upon the increase in the number of units proposed.
- 8.4 In respect of this, I do also give weight to the constraints of the site, namely the adjacent listed building, the GCN mitigation area that is required, and the road and rail network which bounds the site to the west, north and east. As a result, dwellings will be required to be located a sufficient distance away for noise mitigation purposes. On this basis I am mindful that the proposal also will be required to be acceptable in urban design terms (discussed in more detail below) and as a result, on balance, I believe that 115 dwellings on this site is acceptable, and only marginally below what was originally envisaged.
- 8.5 The application would also make a not insignificant contribution to the Council’s housing supply. The Council is currently unable to demonstrate a 5 year supply of housing. Therefore, by not approving this development, this shortfall would become

even greater and place the Council in a weaker position to be able to resist housing development in inappropriate locations not supported via the Local Plan.

- 8.6 As a result of the above considerations I am of the view that the principle of development upon the site is wholly acceptable.

Brickearth Extraction

- 8.7 The site sits on a deposit of approximately 51,000m³ of brickearth and the application proposes to extract this prior to the commencement of the residential phase of the development. Brickearth will not be extracted from those parts of the site which constitute previously developed land, neither from the parts of the site which are to comprise habitat for GCN. Wienerberger, a local brickmaker have agreed to extract the brickearth which will be taken to the Smeed Dean Brickworks, located at Swale Way in Sittingbourne, approximately 3km from the site. I note the NPPF gives great weight to the benefits to mineral extraction, including to the economy. I also believe that in this case further weight should be given to the benefits of the relatively short distance the brickearth will be transported and the agreement reached with a company within the Borough.

- 8.8 I have consulted with the KCC Minerals and Waste Officer who welcomes the proposal to extract the brickearth prior to the residential development, which will ensure that the material is not sterilised by the subsequent development. Due to this I am of the view that the proposal sits comfortably with the aims of the policies CSM 5 and DM 7 of the Kent Minerals and Waste Local Plan 2013-30. I also note that the KCC Minerals and Waste Officer agrees with the proposal not to extract brickearth from the areas set out above due to contamination of the material.

- 8.9 In respect of the extraction process itself, policy DM 9 of the Kent Minerals and Waste Local Plan deals with this and specifies that planning permission incorporating mineral extraction in advance of development will be granted where:

-The mineral extraction operations are only for a temporary period; and,

-The proposal will not cause unacceptable adverse impacts on the environment or communities.

- 8.10 In terms of the above details, it is expected that the extraction of the brickearth can take place over one single summer period, and would be expected to last for approximately 10-12 weeks. In my view, this would fall comfortably within the definition of a temporary period, as set out in the relevant policy.

- 8.11 In respect of environmental impacts, I have consulted with the Council's Environmental Protection Team. They have identified that there is the potential for disturbance to nearby residents in terms of dust and noise, including from the mineral extraction phase. As a result, a brickearth extraction method statement is requested. I have recommended this condition and as a result am of the view that any harm to residential amenity can be acceptably mitigated.

- 8.12 Highways England and KCC Highways & Transportation have also been consulted and although they have predominately discussed the impact of the residential element of the scheme on highway safety and amenity (which will be discussed in further detail below) have raised no objection. However, a construction management plan has been recommended as a condition. Although there is overlap between the requirements of

the construction management plan and brickearth extraction method statement, I am of the view that separate conditions should be imposed so that the details specific to the different elements of the scheme can be adequately considered and controlled. As a result I have included these below.

- 8.13 I have also discussed this element of the scheme with the KCC Waste and Minerals Officer as the application has progressed. They have suggested that a condition is included to ensure that if the residential element of the scheme is not forthcoming that the land is adequately returned to a state to allow a potential alternative use. I have included this condition. As a result of the above considerations I am of the view that the brickearth extraction is an acceptable part of the scheme.

Great Crested Newt Mitigation

- 8.14 GCN are predominately found in the southern part of the site and a temporary receptor area of 0.675 hectares is proposed to be protected by exclusion fencing prior to any works commencing, including brickearth extraction. Following the brickearth extraction, the GCN mitigation area will total 0.46 hectares and will broadly follow the southern boundary of the site. A GCN Mitigation Strategy has been submitted in support of the application setting these proposals out in detail.
- 8.15 GCN are protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species (Amendment) Regulations 2012 and as such is a European Protected Species. As a result of this a European Protected Species Licence is required and will be sought after the granting of planning permission.
- 8.16 Both Natural England and KCC Ecology have been consulted on the application. Although Natural England would be the body responsible for issuing the Licence, their comments at this point focus on the impact of the proposal upon the impacts to the Swale SPA, Ramsar and SSSI (approximately 1km from the site) and the Medway and Estuary Marshes SPA, Ramsar and SSSI (approximately 2km from the site). This will be discussed later in the report.
- 8.17 KCC Ecology when originally consulted took the view that further information was required on the basis that the site conditions had altered since the GCN survey work was undertaken. Additional information was provided and in light of this KCC Ecology are of the view that the proposal to translocate the GCN is acceptable. Although the receptor site is smaller than the existing habitat for GCN, it is considered that due to the relatively short period of time that it will be required to be used for, and that the completed development will result in an increase in habitat for GCN then this will result in an enhancement for biodiversity. As such, a condition is recommended that requires the GCN Mitigation Strategy to be implemented prior to any works commencing on site. I have recommended this condition and am of the view that this element of the scheme is acceptable.

Access and Highways

- 8.18 The application seeks detailed planning permission for access into the site, proposed to be provided by a new roundabout located on Grovehurst Road. This roundabout is also proposed to provide access to the parcel of land on the western side of Grovehurst Road, which is the subject of a planning application (which has a planning committee resolution to grant) for amongst other things, residential units (ref. 18/502190/EIHYB as referred to in the history section above). When the application

was originally submitted, the access into the site was proposed to be taken via a newly constructed T junction. However, due to comments from KCC Highways & Transportation regarding the suitability of this in terms of visibility, it has been amended to a roundabout. This has subsequently been accepted by KCC Highways & Transportation and Highways England in terms of its impact upon both the local and strategic highway network.

- 8.19 It is understood that the roundabout will be delivered by the developers for the application being considered under 18/502190/EIHYB. As a result of this, KCC Highways & Transportation have requested a Grampian condition to require the roundabout to be delivered prior to the occupation of any dwellings. In terms of whether this is acceptable, I note that the roundabout will be constructed on land predominately in control of KCC Highways & Transportation (in addition to some land within the control of the applicant for this scheme and the scheme being considered under 18/502190/EIHYB). The application being considered under 18/502190/EIHYB is allocated for development in the adopted Local Plan and as a result I am of the view that it is reasonable to consider that the scheme will be delivered. Due to these reasons I believe that a Grampian condition is appropriate and meets the relevant tests. I have however within this condition also included the requirement that details of the site levels of the access and the lighting are submitted for consideration, in order that the impact upon the listed Great Grovehurst Farmhouse can be assessed.
- 8.20 In terms of wider impacts on the local road network, KCC Highways & Transportation consider that the residential trip generation rates for the site are appropriate. However, the development will impact upon the A249 and Grovehurst Road junction for which a contribution is sought. This has been agreed with the applicant. In addition to this, part of the site, broadly in the north-west corner is safeguarded for the Grovehurst junction improvements. Therefore, KCC Highways & Transportation require the land to be provided to them in order to carry out the highway works as required by the site specific policy. Any parts of the land that have not been used for highway works and do not form part of the public highway will then passed back to the developer once the works are completed. The details of the land transfer are to be set out in the S.106 agreement. It is important to note that on this basis, and due to the highway contribution, KCC will be a party to the deed. As such, I am of the view that this will allow for the works to be carried out to the Grovehurst Road Junction which will in turn provide significant wider highway benefits.
- 8.21 The supporting text to policy MU 1, when dealing with this site in particular, sets out that a secondary means of access to the existing residential development to the south could be provided. This has been included in the drawings and takes the form of a 2m wide pedestrian and cycle link. I note KCC Highways & Transportation comments in that they are content with the access arrangements and that it does not need to provide additional emergency access into the site. KCC Highways & Transportation have confirmed that they would not adopt this route, however, I am of the view that it can be managed by the management company responsible for the wider development and for which there are both conditions and S.106 obligations in respect of.
- 8.22 I note that an objection has been received on the basis that this access would give rise to harm to residential amenity for the residents of Godwin Close. In respect of this I am of the view that the benefits of providing this link, to connect the site with the surrounding area, allowing future residents to access services and facilities via sustainable travel methods, will far outweigh any harm arising from the potential

increase in noise. I do note that there is concern that motorised vehicles would use this link and as such have recommended a condition requiring details of the measures used to prevent this.

8.23 In addition to the above, the Local Plan policy requires various other improvements to the existing highway and public transport facilities. As set out above, this application forms part of the MU 1 Local Plan allocation, along with two other schemes, as discussed in the history section above. The site also lies close to allocated sites in Iwade, currently being considered under three separate planning applications.

8.24 As a result of the above circumstances, the requirements of the Local Plan policy have been apportioned to the various applications mentioned. Each development is providing either a proportion or the full requirement of contributions and / or improvements necessary to comply with the Local Plan policy, which has been agreed via meetings with the respective applicants and officers from both SBC and KCC. In respect of this application, the applicant has agreed to provide, as requested by KCC the following:

- A contribution of £572,621 for the works to the Grovehurst Road / A249 junction;
- Implementation of the Travel Plan and a contribution of £19,283 towards Travel Plan monitoring, paid to a consultant;
- A sustainable Transport Voucher of £350 issued for each dwelling for either bus travel, rail travel or cycle equipment;
- Toucan crossing on Grovehurst Road (in the vicinity of Hurst Lane cycle lane).

8.25 I note that the policy also requires enhancement of Kemsley station, which lies approximately 0.6km south of the site. Although KCC Highways & Transportation initially requested that this development contribute towards this, I have been informed by KCC Highways & Transportation that the full contribution for Kemsley station is being covered by a range of the other applications, due to the situation discussed in paragraph 8.24 above. These applications are all allocated in the Local Plan and as such I believe it is reasonable to take the view that they will be approved and the required contribution made.

8.26 On the basis of the above, I am of the view that the scheme acceptably deals with the transport related parts of policy MU 1 as well as being compliant with policy DM 6 of the Local Plan.

Affordable Housing

8.27 The policy (DM 8) compliant level of affordable housing for this site is 10% (12 units). I have consulted with the Council's Affordable Housing Manager who has set out this requirement, although has raised the issue that there are increasing concerns with Registered Providers (RP's) agreeing to take on small numbers of affordable housing units. It is considered that 12 units would likely be a figure for which it would be difficult to attract an RP. As a result of the above, an opportunity has arisen where the applicant for this development, is also the applicant in control of the land on the site known as 'Land east of Iwade' (being concurrently considered under reference 19/503974/HYBRID). The application at 'Land east of Iwade' proposes, amongst other things, 466 dwellings. The policy compliant affordable housing requirement for that site is also 10%, equating to 47 units.

- 8.28 Due to this specific situation, a proposal was put forward to amalgamate the affordable housing provision from the two sites and then split evenly. An additional affordable unit has been offered to create a total of 60, which would then be split evenly across the two sites, i.e. 30 on each.
- 8.29 I have raised the possibility of proceeding on this basis with the Ward Members for both schemes, the Chairman of the Planning Committee, the Cabinet Member for Planning, the Cabinet Member for Housing and Iwade Parish Council. Some queries were raised, predominately in respect of how this would be controlled to which both the agent and myself provided responses. After liaising further I gave the relevant Members a timeframe by which if no further comments were received I would proceed on this basis. I received confirmation from certain Members that they were content and no response from others. As such, on this basis I have proceeded.
- 8.30 I have consulted with the Council's Affordable Housing Manager at all stages who is in support of the proposal, primarily as the agreed approach provides the best opportunity to secure on site affordable provision on both of these developments. The affordable units will be secured via the S.106 agreement with a tenure split of 90/10 (affordable rent / shared ownership) as agreed with the applicant, which is also compliant with policy DM 8. As a result, the development will provide 85 units for the private market, 27 for affordable rent and 3 for shared ownership. I believe that this is an acceptable mix in respect of achieving the objective as set out in the NPPF of creating mixed and balanced communities. On the basis of the above I believe that this arrangement represents a significant benefit of the scheme.

Foul and surface water drainage

- 8.31 I note the response from Southern Water who initially commented that there was insufficient capacity at the Sittingbourne Wastewater Treatment Works, although that they would, where development has been identified by the Local Planning Authority attempt to ensure that capacity is available. An increased risk of flooding has also been identified if network reinforcement is not provided. This would be funded through the New Infrastructure Charge and Southern Water's Capital Works programme and have recommended a condition on this basis. I also note that when re-consulting with Southern Water they did not raise the issue that there was insufficient capacity at the Treatment Works but reiterated the recommendation for a condition in respect of network reinforcement to ensure that adequate wastewater network capacity is available and foul and surface water drainage.
- 8.32 In order for a condition to be imposed it is required to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; reasonable in all other aspects). Having assessed the condition related to network reinforcement recommended by Southern Water against the six tests I am of the view that the requirement for the development to align with the delivery by Southern Water of any sewerage network reinforcement required would fail to meet the test of being relevant to planning. This would be a matter solely between the developer and Southern Water and dealt with outside of the planning process, for that reason I have not recommended this condition.
- 8.33 Further conditions have been recommended which require details of foul and surface water disposal. As surface water is dealt with via separate conditions (discussed below) I consider this matter to have been adequately dealt with. In respect of foul water disposal, the connection to the foul sewerage network is dealt with through

Section 104 and Section 106 Agreements of the Water industry Act, which falls outside of the planning process. As such, it would not meet the relevant tests required of a planning condition. On this basis, the details will be dealt with via applications and agreements outside of the planning process and as a result I have not included a foul drainage condition. To conclude on this subject, in terms of this planning application I do not believe that foul drainage issues could lead to a reason for refusal.

- 8.34 In respect of surface water, the strategy for the site is for flows to be directed towards a detention basin which will sit within the open space in the north-western part of the site. This will then outfall into an existing drainage system adjacent to Swale Way. Outflow will be controlled to ensure that greenfield run off rates are not exceeded.
- 8.35 Upon first consulting KCC both as Lead Local Flood Authority and the Highway Authority there were queries raised regarding using the existing highway drainage. Further information was subsequently provided in respect of the highway drainage, which already currently conveys from the site (as well as the highway). I have re-consulted with KCC (Lead Local Flood Authority) as required who have confirmed that they have no objection subject to conditions. I am of the view that the drainage solution, which includes the detention basin will give rise to benefits, not only in terms of drainage perspective but from a biodiversity and visual perspective. I have included the conditions as recommended and as such consider that this matter has been acceptably addressed.

Impact upon designated heritage assets

- 8.36 As set out above, the site shares part of its southern boundary with the curtilage of the grade II listed Great Grovehurst Farmhouse. Although the principle of the development has been accepted by the allocation in the Local Plan, the Council has a statutory duty which is also reflected in local and national policies to preserve the setting of the listed building.
- 8.37 Although the parts of the site closest to the listed building are open space / Great Crested Newt habitat and as such there is a buffer between the listed building and where built form will be located, there was initial concern relating to the location of potential three storey development as set out on the site parameter drawings. As a result of this, amended drawings were submitted, reducing the zones within which 3 storey development is proposed. As such, the closest potential three 3 development will be 105m from the listed building. In addition to this, the amended drawing shows areas of the site where a condition can be imposed showing finished floor levels and site sections. I believe these conditions are necessary and have recommended they be imposed, along with a condition requiring details of existing and proposed site levels.
- 8.38 It should also be noted that as discussed above, brickearth will not be extracted from the GCN mitigation area, which lies close to the listed building, however, the levels of large parts of the site will reduce as a consequence of brickearth extraction. As such, it is considered that the impact of built form on the listed building will be further reduced. As a result it is considered that in this regard the impact has been reduced to an acceptable level and can be controlled by the conditions discussed above.
- 8.39 Concern was also raised regarding the proposal to install a close boarded fence on the northern boundary of the curtilage of the listed building / southern boundary of the development site. The reason for this boundary treatment (with the gravel boards

removed) was to allow GCN to travel between the application site and the pond located within the curtilage of Great Grovehurst Farmhouse. It was considered that a close boarded fence here would not be appropriate as it would impact negatively upon the setting of the listed building, and give a poor impression in its location relatively close to the main access point to the development. I was of the view that a brick wall (with bricks removed at intervals to allow migration) would be a satisfactory boundary treatment.

- 8.40 This point was discussed between officers, the agent, KCC Ecology and Ward Members. The agent was of the view that a brick wall with gaps would make it easy for predators to locate the GCN, whilst I remained of the view that the close boarded fence would be inappropriate both visually and in respect of the setting of the listed building. The agent has suggested that a condition be imposed (so as not to prejudice the granting of the GCN Licence which is dependent on planning permission being granted) and I have also discussed this with the Ward Members who agree with this approach. This will allow all relevant parties to comment on the boundary treatment and as such I am of the view that this is an acceptable way to deal with this matter.
- 8.41 On the basis of the above, I am of the view that the application acceptably preserves the setting of the listed building.

Visual Amenities

- 8.42 As set out in the site description section, the application site is bounded by the highway network to the north and west, existing residential development to the south and the railway line to the east. As a result, the site is read in the context of this transport infrastructure. However, its position does mean that it will (in combination with development on the opposite side of Grovehurst Road being considered under 18/502190/EIHYB) provide a gateway into this part of Sittingbourne.
- 8.43 A Design and Access Statement has been submitted and the application also includes an illustrative masterplan which sets out how 115 dwellings could be delivered on this site. Although this must be considered in the context that the layout, appearance, landscaping and scale of the residential element is in outline, site parameter drawings have been provided showing those parts of the site where built form and other features are proposed. In general terms, the perimeter of the site will form open space and GCN habitat. Also included is a detention basin as discussed above. As a result of this, the dwellings are proposed to be located towards the central part of the site.
- 8.44 The Design & Access Statement sets out that those parts of the site which are most prominent (the north western part) and those closest to Grovehurst Road will largely be comprised of landscaping / open space (aside from the gateway to the site as discussed further below). I consider this to be appropriate and will allow for the residential development to be gently introduced in these views. The site currently has planting along the boundary with Grovehurst Road and Swale Way and I have included a relevant condition requiring an Arboricultural Method Statement and a Tree Protection Plan to ensure that the existing planting is adequately protected. I have also recommended a strategic landscaping condition to ensure that these prominent parts of the site are dealt with appropriately.
- 8.45 The landscaping in the south western part of the site where the GCN mitigation habitat is located has been submitted in detail. Having considered the details I am of

the view that the open space and planting proposed in this area is acceptable and will also assist in providing an appropriate entrance into the site.

- 8.46 Further to the above, three zones of residential development have been identified and described as zone 1 – gateway approach; zone 2 – centre of development; and zone 3 – edge of development. These zones set out the maximum storey heights in each of the zones. In zone 1, which is close to the access point taken from Grovehurst Road it is proposed to allow development up to 3 stories in height, in zone 2, which broadly makes up the central swath of the site it is proposed in the most part for development up to maximum 2/2.5 storey with limited 3 storey buildings in appropriate locations. Finally, in zone 3, which runs broadly around the perimeter of the developable area, it is proposed that dwellings are a maximum of two storeys in height.
- 8.47 The Design & Access Statement provides details of how the gateway to the site can be used to enclose the primary route leading into the development. In my view potential three storey development in this location would, if carefully considered help to achieve this. I have also assessed the development being considered under 18/502190/EIHYB on the opposite side of Grovehurst Road in the context of the gateway into this site. Although the two sites do not physically adjoin, by virtue of Grovehurst Road, I note that the closest part of the adjacent development is formed of open space. As such I do not believe that this will result in there being any significant barriers to creating a development which will integrate well in the context of the neighbouring site. In the remainder of the development, the residential development in zone 2 and 3 is proposed to be less formal. On the development edges the dwellings would be a maximum of 2 stories in height. I consider this to be an appropriate approach to developing the residential aspect of the scheme and I have recommended a condition to ensure that the built form of the development is restricted to those areas of the site as described above, and also in respect of the maximum height of the dwellings that have been discussed.
- 8.48 I note the comments of the Council's Urban Design and Landscape Officer and am of the view that the two areas ('Creating Place' and 'Streets For All') that have been assessed under the Building for Life criteria as a 'red' (meaning stop and rethink) are able to be addressed at reserved matters stage. As this current application is not considering the detail of the appearance, layout or scale of the dwellings I therefore do not believe that these issues need further refinement at this stage. However, to ensure a satisfactory residential development comes forward I have recommended a condition requiring that a Design Code is submitted and approved by the Council prior to the submission of the reserved matters application. On the basis of the preceding points I am of the view that the impact upon visual amenities is acceptable.

Residential Amenities

- 8.49 I have discussed the impact of the brickearth extraction upon residential amenities above and as such will not repeat these points here.
- 8.50 In terms of the remaining impact of the development, the site is in the most part surrounded by existing transport infrastructure. As a result of this, the relationship of the site with existing residential properties is limited to Great Grovehurst Farmhouse and those properties at the northern end of Danes Mead and Godwin Close. I note that concern has been raised by neighbours that the proposal will lead to overlooking and a loss of privacy for these existing units. In assessing this point, it is firstly

important to set out that this is an outline application with layout a reserved matter. As such, at this point, the precise layout of the proposed dwellings are not being considered and therefore it is not possible to conclude that the relationship would give rise to serious harm. Having said this, it is worth setting out that open space / GCN Habitat will be located along the margin of the application site where it abuts these residential properties. As a result of this, at the closest possible point that the dwellings will be located to Great Grovehurst Farmhouse will be 48m.

8.51 In respect of the other 3 dwellings which share a boundary with the site, 16 Danes Mead will be separated from the closest part of the site where residential development will be permitted by 14m, 15 Godwin Close will be separated by 12m and 26 Godwin Close by 13.5m. On this basis I am of the view that the dwellings will be able to be configured in such a way that they will be able to comply with the Council's standard separation distances.

8.52 Despite the above, the construction activities at the site will have the potential to harm residential amenities. As a result, I have recommended conditions related to a construction management plan and a limit on construction hours. As a result of the above assessment and with the inclusion of these conditions I do not believe that the proposal would give rise to unacceptable harm to residential amenities.

Open space and ecology

8.53 As discussed above, the site will include open space, broadly around its perimeter, which in the southern part of the site will provide the GCN mitigation area (discussed above) whilst the brickearth extraction and construction of the dwellings takes place. The Council's Greenspaces Manager is of the view that the open space provides an appropriate balance for biodiversity, GCN habitat, open amenity space and play space. The provision of open space will be secured by condition along with the details of the play equipment and as a result I am of the view that this will ensure that this aspect of the development is delivered.

8.54 Overall, the KCC Biodiversity Officer considers that through the creation of green spaces on the development that it is likely to enhance the site for biodiversity. To ensure this a landscape and ecological management plan has been recommend by condition and I have included this below. In respect of biodiversity net gain I have raised this with the agent during the consideration of the application and by applying the DEFRA methodology it is considered that a net gain of approximately 15% should be achievable. Having discussed this with KCC Ecology, they are of the view that the figure looks appropriate taking into account the specifics of the site. Having discussed this further with the agent, they have stated that they would accept a condition requiring a minimum of a 15% biodiversity net gain. Policy DM 28 of the Local Plan requires proposals to "*Provide, where possible, a net gain of biodiversity overall*", whilst the NPPF states that decisions should minimise impacts on and provide net gains for biodiversity. In the context of local and national policy I am of the view that a minimum net gain of 15% goes beyond adopted policy and is a benefit of the scheme.

8.55 In order to ensure that the management of the open spaces within the development is adequately dealt with moving forward, a related schedule has proposed to be included in the S.106 agreement. The management company will be obligated to operate in accordance with the terms of the agreed landscape and ecological management plan and in addition to this a £20,000 contribution shall be paid in order to monitor management and maintenance of the open space areas. Further to this,

each resident will thereafter pay an annual service charge. I am of the view that this is an appropriate mechanism and will allow for the site to provide a maintained provision of open space provision for future occupants.

8.56 The development will also lead to an increase in bat habitat and as a result the lighting associated with the development could have a negative impact. A condition is recommended on this basis which I have included below and as such I take the view that this adequately addresses this issue.

8.57 Due to the above considerations I take the view that the open space and ecological requirements of both local and national policies have been satisfactorily dealt with.

Air Quality, Noise, Contamination

8.58 The closest Air Quality Management Area (AQMA) to the site is at St Pauls Street, Sittingbourne, approximately 2.1km away. When originally consulted, the Environmental Protection Officer considered that the impact upon this AQMA from this development will be negligible. However, since these comments were made, the Council has published Technical Guidance entitled 'Air Quality and Planning'. This sets out that for development of 50 dwellings or more, an air quality 'damage cost value calculation' will be required. A damage cost calculation has been carried out which has calculated the figure to be £37,004. I have consulted with the Council's Environmental Protection Team who have confirmed that they consider the figure to be appropriate. As a result of this, the damage cost calculation can be secured by way of a developer contribution within the S.106 which the applicant has agreed to. A list of mitigation projects is also to be included which has been agreed between the applicant and Officers. I am of the view that this is an appropriate way to deal with this matter. It is also important to note that as required by the Council's Parking Standards SPD, I have included a condition requiring electric vehicle charging points, in accordance with the adopted Swale Parking SPD. On the basis of the above I am of the view that the application acceptably deals with impact upon air quality as required by the Local Plan and the technical guidance.

8.59 In respect of noise from brickearth extraction and construction, I have referenced this in the relevant sections above including the discussion regarding relevant conditions to control this. In addition to this, due to the location of the site in the context of the surrounding highways and railway lines there is also the potential for noise from these sources to impact upon future occupants. As such, a condition is recommended which demonstrates that internal noise levels within dwellings, and also within rear gardens is acceptable. I have included this condition and as such take the view that the impact of this will be able to be reduced to an acceptable level.

8.60 Due to the previous agricultural use of the site and the related buildings which were located on the site, there is the potential for contamination to be present. As such, a condition has been recommended. I have included this and therefore consider this matter will be able to be adequately addressed.

Climate Change

8.61 The Council declared a climate and ecological emergency on 26th June 2019. The purpose of the declaration was to draw attention to the urgent need to reverse the decline in biodiversity in Swale and to take effective action to reduce carbon emissions in the Borough. The declaration sets the goals for carbon emissions from the Council's

operations to be carbon neutral by 2025 and for the Borough to be carbon neutral by 2030. I note that the Inspector's decision in respect of the Land West Of Barton Hill Drive application (ref 18/503135/OUT) referred to this declaration and stated that *"I am satisfied that this is a material consideration and is supported by development plan policies and national policies within the Framework."* A Climate and Ecological Emergency Action Plan (22nd April 2020) has also been produced.

- 8.62 Although the Council have been seeking a 50% reduction in dwelling emissions against the Building Regs for detailed applications, as the dwellings here are all in outline I have recommended a condition which does not specify a percentage reduction for carbon emissions – in line with the approach that the Council have been taking. This will allow an appropriate reduction to be agreed in due course taking account of the prevailing policy at that time (which could well require a reduction of more than 50% compared to current Building Regulations).

Archaeology

- 8.63 The application has been supported by an archaeological evaluation of the site, confirming the presence of Neolithic/bronze Age and the early Iron Age features, predominately in the southern part of the site. I have consulted with the KCC Archaeological Officer who recognises that due to the brickearth removal which will take place that an integrated approach to archaeological investigation is suitable. On this basis, a condition is recommended which can allow for the scope and methodology of these works to be agreed via a programme for archaeological works. I have included this condition and on this basis take the view that the archaeological matters will be adequately addressed.

Developer Contributions

- 8.64 Policy MU 1 requires that the development provides the necessary contributions to mitigate the impacts of the scheme. The contributions requested by various consultees are as follows:

Grovehurst Road / A249 junction - £572,621;
Travel Plan monitoring - £19,283;
Sustainable Transport Voucher - £350 per dwelling;
Community learning facilities - £60.43 per dwelling;
Formal sports - £593 per dwelling;
Libraries - £227 per dwelling;
Healthcare - £864 per dwelling;
Primary Education - £4,535.00 per Applicable House / £1,134.00 per Applicable Flat;
Secondary Education - £4,687.00 per Applicable House / £1,172.00 per Applicable Flat;
Social Care - £53.35 per dwelling;
Wheelie Bins - £105.20 per house / £189.64 per flat;
Youth Services - £37.58 per dwelling;
SAMMS - £250.39 per dwelling;
Open Space Management Fund - £20,000;
Air Quality Damage Costs - £37,004;
Monitoring and administration - £21,581

- 8.65 The applicant has agreed to pay these contributions and I am of the view that they meet the relevant tests for planning obligations. I am also content that a Section 106

Agreement is the best mechanism for addressing the SAMMS contribution (of £250.39 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'.

The Conservation of Habitats and Species Regulations 2017

- 8.66 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.67 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£250.39 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.68 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.69 In this regard, I have undertaken an appropriate assessment and considered the intervening infrastructure which means that accessing the SPA for future residents would not be as convenient as accessing open space either upon, or close to the development, which is also outside of the SPA. In addition to this, Natural England requested further details in respect of the impact of surface water and it was clarified that the impact of surface water on the SPA would in fact be reduced by this development. As such I took the view that the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. To confirm this I have re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.70 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers

and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

9. CONCLUSION

9.1 The scheme will bring forward part of the MU 1 site allocation, as set out in the Local Plan. In addition to the benefits of the scheme, in terms of contributing to the Borough's housing supply, the scheme will also allow for the delivery of on site affordable housing, over and above the policy requirement, due to the specific arrangement as discussed above.

9.2 Furthermore, the proposal will allow for the extraction of brickearth deposits on the site, in line with county and national policies whilst providing an enhanced habitat for protected species and a biodiversity net gain.

9.3 I am of the view that the proposal deals acceptably with matters such as highway safety and amenity, drainage, air quality, contamination, and biodiversity and I have no objections from consultees. On the basis of the above I am of the view that planning permission should be granted.

10. RECOMMENDATION -

GRANT Subject to the following conditions:

1) Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the development hereby approved shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date on which the Roads Investment Strategy Scheme at M2 J5 is open to the public.

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

3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

4) The development shall be carried out in accordance with the following approved drawing: 4940-LLB-XX-XX-DR-L-0001, Rev P04 (Great Crested Newt Creation Area).

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

5) The details submitted pursuant to condition 1 (the reserved matters) shall show the residential development restricted to the residential areas labelled as 'zone 1, zone 2 and zone 3' on drawing no. 5384/OPA/SK004rC (Land Use and Building Heights Parameter Plan).

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

6) The details submitted pursuant to condition 1 (the reserved matters) shall show the storey heights of the residential development to be in accordance with the details set out on drawing no. 5384/OPA/SK004rC (Land Use and Building Heights Parameter Plan).

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

7) No development related to the residential element of the scheme shall commence until details of the existing site levels (prior to brickearth extraction) and proposed site levels (subsequent to brickearth extraction) have been submitted to and approved in writing by the Local Planning Authority. The details shall show the site levels in the areas provided for Great Crested Newt mitigation (adjacent to Great Grovehurst Farmhouse and the remainder of the southern boundary of the site) on drawing 4940-LLB-XX-XX-DR-L-0001, Rev P04 (Great Crested Newt Creation Area) as being unchanged. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect the setting of the listed building and the amenities of the area.

8) The residential development shall be carried out strictly in accordance with details in the form of finished floor levels for all the dwellings which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to protecting residential amenities and the setting of the listed building.

9) The details submitted pursuant to condition 1 (the reserved matters) shall show cross sections through the development and Great Grovehurst Farmhouse along the lines of A-B; A-C and A-D as shown on drawing no. 5384/OPA/SK004rC. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect the setting of the listed building and the amenities of the area.

10) The details submitted in pursuant to condition 1 (the reserved matters) shall be in accordance with a Housing Mix Schedule that shall first have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a satisfactory mix of dwelling are provided in accordance with the needs of the local housing market area.

11) No development (including brickearth extraction) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

12) No dwellings on the development hereby permitted shall be occupied until the opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 (or schemes to the same effect that may be agreed in writing by the local planning authority who shall consult Highways England).

Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

13) Prior to the commencement of the residential element of the scheme hereby approved a Construction Management Plan to include the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Routing of construction and delivery vehicles
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Any requirements for temporary construction access
- (g) Measures to minimise the production of dust on the site
- (h) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- (i) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- (j) Design and provision of site hoardings
- (k) Measures to manage the production of waste and to maximise the re-use of materials
- (l) The location and design of site office(s) and storage compounds

Reason: To ensure that construction of the development does not result in avoidable congestion on the A249 Trunk Road and M2 Junction 5, to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety; and in the interests of highway safety on the local highway network and in the interests of residential amenities.

14) Prior to the commencement of the development, a Brick Earth Extraction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The extraction of brick earth shall then be carried out in accordance with the approved Brick Earth Extraction Method Statement and in line with IAMQ's 2016 Mineral Dust Guidance which shall include mitigation measures to minimise any potential impacts and shall include the following where relevant:

- Routing of lorries between the site and the brickworks
- An indicative programme for carrying out the works
- Measures to minimise the production of dust from the site
- Measures to minimise noise (including vibration) generated by the extraction process to include the careful selection of machinery and use of noise mitigation barriers
- Maximum noise levels expected 1m from the affected façade of any residential unit adjacent to the site
- Measures to prevent the transfer of extraneous material onto the public highway
- The location and design of any site administration building or structure.

Reason: In the interests of residential and highway amenity.

15) Prior to the commencement of the residential element of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise

Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

16) Prior to the commencement of the residential element of the development hereby permitted the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

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

A Closure Report is submitted upon completion of the works. The closure report shall include full verification details, and this should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority.

The scheme shall thereafter be implemented as approved.

Reason: To ensure that contaminated land is adequately dealt with.

17) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that contaminated land is adequately dealt with.

18) No development related to the residential element of the application hereby permitted shall take place until the brickearth deposits on the site, as shown on drawings G20/2 v3; G20/3 v4; G20/4 v4, have been removed.

Reason: To ensure that the safeguarded mineral is not sterilised.

19) No development related to the residential element of the application hereby approved shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing) by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

20) No dwelling on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

21) Prior to commencement of the residential element of the development hereby permitted an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 shall be submitted to and approved in writing by the Local Planning Authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a Tree Protection Plan. The works shall thereafter be implemented in accordance with the agreed details.

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

22) All hard and soft landscape works submitted and approved pursuant to condition 1 (the reserved matters) shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

24) The details submitted pursuant to condition 1 (the reserved matters) shall include measures to provide electric vehicle charging and shall include –
a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage.
b) Electric vehicle charging points to be provided to a minimum of 10% of all other residential parking areas.

No dwelling hereby permitted shall be occupied until the electric vehicle charging points for that dwelling have been installed.

Reason: In order to encourage sustainable modes of transport and lower carbon emissions.

25) Prior to the construction of any dwelling details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

Reason: In the interests of energy efficiency and lowering carbon emissions.

26) The dwellings hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

27) A scheme for the restoration of the site to an appropriate after use following the removal of brickearth (including the timing of implementation of the scheme) must be submitted to the Local Planning Authority not later than 3 years from the date on which the Roads Improvement Strategy Scheme at M2 J5 is open to the public. Thereafter, restoration shall be carried out in accordance with that approved scheme.

If the residential development hereby approved commences within the above timescale, and before a scheme has been submitted for the restoration of the site to an appropriate after use following the removal of brickearth, then the scheme and associated restoration will not be required.

Reason: In the interest of visual amenities if the residential element of the scheme is not implemented.

28) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of any dwelling. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The details submitted pursuant to condition 1 (reserved matters) shall deliver a biodiversity net gain of a minimum of 15% across the entire site in accordance with the DEFRA Biodiversity Matrix, thereafter to be monitored, maintained and managed by the LEMP. Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met the LEMP shall include details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP will be implemented in accordance with the approved details.

Reason: In the interests of enhancing biodiversity opportunities.

29) Within 3 months of the residential element of the scheme commencing a detailed lighting scheme, (informed by the bat activity surveys) must be submitted to the Local Planning Authority for written approval. The lighting scheme shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how, where and what external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity.

30) Prior to the commencement of brickearth extraction, the measures set out in the Great Crested Newt Mitigation Strategy shall be implemented and thereafter retained in perpetuity.

Reason: To ensure the protection of Great Crested Newts.

31) Prior to the commencement of the residential element of the proposal, details of levels and lighting of the main access roundabout to the site shall be submitted to and approved by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the access works have been completed in their entirety as shown on drawing D118/12RevC (including in accordance with the approved levels and lighting details).

Reason: In the interest of highway safety and to protect the setting of the adjacent listed building.

32) The details submitted pursuant to condition 1 (the reserved matters) shall include details of areas for the parking and manoeuvring of vehicles in the development in accordance with Swale Borough Council's adopted Parking Standards Supplementary Planning Document (adopted 2020). The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling to which they relate and retained thereafter.

Reason: In the interests of highway safety.

33) Prior to the occupation of any dwelling covered cycle parking facilities shall be provided for the dwelling in accordance with the Council's adopted Parking Standards Supplementary Planning Document (adopted 2020) and the facilities retained thereafter.

Reason: In the interests of highway safety and to facilitate the use of alternative means of transport.

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

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interest of highway safety.

35) Before the occupation of any dwelling hereby approved, the off site highway works in the vicinity of the Grovehurst Road / Hurst Lane / Bramblefield Lane junction, as indicatively shown on drawing D118/29 shall have been carried out in accordance with a design and specification to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and promotion of sustainable modes of transport.

36) Notwithstanding the details shown on drawing 4940-LLB-XX-XX-DR-L-001 Rev. P04, prior to the commencement of brickearth extraction, details of the boundary treatment between points D and E shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details shall be implemented as approved.

Reason: In the interests of biodiversity, visual amenities and the setting of the listed building.

37) As indicatively shown on drawing 4940-LLB-XX-XX-DR-L-001 Rev. P04, prior to the occupation of any units, detailed drawings at a scale of 1:100 showing the design of the pedestrian / cycle access connecting the site to Godwin Close, including measures to prevent it's use by motorised vehicles and the surface treatment to allow

east – west connectivity for wildlife shall be submitted to and approved by the Local Planning Authority. The details shall also set out the management body(ies) responsible for it's on-going maintenance. Thereafter the details as agreed shall be implemented contemporaneously with the occupation of the 115th dwelling, or, if less units are constructed, implemented contemporaneously with the first occupation of the last dwelling to be occupied.

Reason: In the interests of encouraging sustainable modes of transport and wildlife connectivity.

38) Prior to the commencement of development of the residential element of the scheme hereby approved, details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all dwellings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

39) The details submitted pursuant to condition 1 (the reserved matters) shall include an area of not less than 1.08 hectares reserved for public open space. These areas shall be provided and available for public use before the 100th dwelling is occupied and no permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Within the open space, an area dedicated as Play Space (of not less than 0.07 hectares in size) shall be surfaced and equipped with play equipment, the details of which shall be submitted to, agreed in writing by the Local Planning Authority and provided before the 100th dwelling is occupied. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

40) No development related to the residential element of the scheme shall take place until a strategic landscaping scheme (to complement the other landscaping conditions) to include the parts of the application site which front onto Grovehurst Road and Swale Way frontages (and which do not form part of the land required by KCC Highways & Transportation for the A249 / Grovehurst junction improvements) has been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native), plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, means of enclosure, hard surfacing materials, and an implementation programme.

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

41) No construction work in connection with the development (including brick earth extraction) shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

42) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times :-

Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

43) The details pursuant to condition 1 (the reserved matters), shall show a pedestrian / cycle link through the site, linking to Swale Way, in a position as indicatively shown on drawing no. 5384/OPA/SK006rD (Illustrative Masterplan) and shall be constructed prior to the occupation of the 50th dwelling.

Reason: To encourage sustainable transport methods.

44) The details submitted pursuant to condition 1 (the reserved matters) shall demonstrate how the development meets the principles of 'Secure by Design'.

Reason: In the interests of crime reduction and safety.

45) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNO_x/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: In the interests of minimising air quality impacts.

46) Prior to the submission of any reserved matters application a Design Code (which will be based upon, but not limited to the details contained in the Design & Access Statement, dated April 2018) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, details submitted pursuant to condition 1 (the reserved matters) above shall be in accordance with the approved Design Code.

Reason: In the interests of providing a high-quality layout and design for the development.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case Officer Paul Gregory

Case Officer Sign: P.Gregory	Date: 6.5.2021
Delegated Authority Sign: Jim Wilson	Date: 6/5/2021
PRINT NAME:	
TL/DM Countersign: A.Jeffers	Date:6/5/21