

PLANNING COMMITTEE – 12 JANUARY 2023**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 21/505722/OUT		
APPLICATION PROPOSAL Outline application for demolition of existing residential dwelling, and for the erection of up to 46 residential dwellings, including affordable housing, with access from A2 High Street (Access only being sought).		
ADDRESS 128 High Street Newington Sittingbourne Kent ME9 7JH		
RECOMMENDATION Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would provide additional housing both market and affordable adjacent to a settlement identified on the settlement strategy as a tier 4 settlement. Due to the Council's lack of 5-year housing supply the tilted balance in accord with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh the harm. No objection has been raised by statutory consultees and the scheme has been subject to an independent highway review which has concluded that the proposal is compliant with local and national highway policies. On balance, the proposal is considered to be acceptable and is recommended for approval.		
REASON FOR REFERRAL TO COMMITTEE Newington Parish Council Objection This application was originally deferred by the Planning Committee on 10 th November 2022		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Mr Andrew Wilford AGENT
DECISION DUE DATE 03/02/22	PUBLICITY EXPIRY DATE 15/09/22	CASE OFFICER Corinna Griffiths

1. BACKGROUND

- 1.1 This application was first reported to the Planning Committee on 10th November 2022 where Members resolved *“That application 21/505722/OUT be deferred to allow an independent highways assessment of the application to be undertaken.”*

- 1.2 The independent highway advice as referred to above has been obtained and is included at Appendix 1.
- 1.3 I have also included the original committee report at Appendix 2, which sets out the description of the site, relevant policies, local representations, consultations and the appraisal of the scheme - as such I will not repeat these details here. The original appendix of the original committee report (Newington Parish Council Comments) is reattached an Appendix 3, and the previous tabled papers for this item included at Appendix 4 and 5. As a result, the form that this supplementary report will take will be to discuss the independent highway advice received and how this has informed the recommendation reached by Officers.

2. CONSULTATIONS

- 2.1 The following consultation responses have been received since the last committee report:
- 2.2 Newington Parish Council have commissioned further highway advice from Railton dated 14th November. A copy of this is attached at Appendix 6. The Railton comments raise the following concerns;
- *Visibility splay would require third party land (132 High Street), and not been demonstrated that the proposed access achieves the necessary visibility standards.*
 - *The submitted Technical Note has presented selective information to exaggerate the risks associated with the existing situation for vehicular access to 132 High Street*
 - *It has not been demonstrated that the proposed access arrangements do not lead to a reduction in highway safety in relation to access to the parking area of No. 132 High Street*
 - *The applicant has failed to demonstrate that the proposed development will not have an unacceptable impact in relation to highway safety.*
 - *The Technical Note does not deal with the absence of a safe pedestrian route to local facilities, the absence of feasible mitigation at the Key Street roundabout, the lack of credible air quality mitigation and the failure to consider cumulative impact.*

3. APPRAISAL

- 3.1 As set out above, in addition to the detailed assessment of highway related matters undertaken by KCC Highways during the course of the application, since the application was deferred at the 10th November 2022 committee meeting, an in depth independent review of the highway issues has been carried out.
- 3.2 The independent review is provided in full in Appendix 1. As part of this review a site visit was carried out. The following conclusions by the Council's Consultant have been reached:
- 3.3 *“Overall, the design of the access is in line with the Kent Design Guide and is acceptable in principle, subject to detailed design.*
- 3.4 *In relation to the visibility assessment reviewed:*

- *Visibility is achievable to the required splays, at an offset of 0.29m, which is minor and is deemed acceptable.*
 - *These types of direct access on the High Street (A2) seem commonplace, with several vehicles required to reverse onto or from High Street (A2) for residential access.*
 - *A review of the Personal Injury Collision (PIC) data provided as part of the TA does not show any apparent cause for accident when accessing these dwellings.*
 - *We accept the comments made by KCC Highways in relation to the slight offset in visibility splay and acknowledge that the 20mph speed reduction to the west of the access will also help mitigate vehicle speeds on this approach.*
 - *With that said, we advise that should outline planning permission be granted, a condition is attached requiring the visibility splays to be reassessed using topographical data to ensure confidence in accuracy of the achievable splays.*
- 3.5 *We have our concerns relating to retaining access to 132 High Street, however, acknowledge that no other alternative can be provided which suits both existing and proposed land uses. It is also acknowledged that the manoeuvre into the existing access is not ideal, and the proposal appears no worse.*
- 3.6 *The identified section of PROW ZR61 should be upgraded to facilitate pedestrian movements to and from the site. If this is not considered feasible, then a formal crossing point should be provided in the vicinity of the main site access to fully facilitate journeys on foot, especially trips to and from Newington train station.*
- 3.7 *The TRICS assessment is considered suitable for a development of this size.*
- 3.8 *A Travel Plan (TP) is required to support the application, should it be progressed to help mitigate the issues identified and promote sustainable travel within the immediate area. This should be secured via a planning condition.”*
- 3.9 *Therefore, subject to conditions regarding visibility splays and a travel plan, the independent highways advice raises no objection regarding the proposed site access sought under this outline planning application. The additional conditions are as worded below and are included at numbers 35 and 36.*
- 3.10 *Visibility splays; “No part of the development shall be brought into use until visibility splays of 2.4m x 42.5m to the west and 2.4m x 38.4m to the east (or 2.4m x 43m if measured 0.29m from the channel line) of the access are provided at the junction with High Street (A2) as demonstrated on topographical survey base map have been submitted to and approved in writing by the Local Planning Authority. The development shall only then be carried out in accordance with the approved details.*
- Reason: To ensure safe and suitable visibility splays can be fully achieved at the proposed site access point in the interests of highway safety.”*
- 3.11 *Travel Plan: “Prior to the occupation of the units hereby approved, a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local*

Planning Authority. The Travel Plan shall include objectives and modal split targets, a programme of implementation, proposals to promote alternative forms of transport to and from the site, other than by the private car and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To reduce dependency on the private car”

- 3.12 I do recognise that local residents and Members have raised concerns regarding the impact of the proposal upon highway safety and amenity. However, now in addition to KCC Highways raising no objection (subject to conditions which have been recommended), I am in receipt of very detailed independent highway advice which clearly sets out that the design of the access is in line with the Kent Design Guide and is acceptable in principle, subject to detailed design. On this basis I can reach no other conclusion than that the proposal would not give rise to harm to highway safety and amenity nor give rise to a severe impact upon the road network (the tests set out in the relevant policies) and is acceptable in this regard.
- 3.13 With regard to pedestrian connectivity, the proposal offers pedestrian connectivity to Callaways Lane and footways linking to the village centre via recent development at The Tracies, utilising part of PROW ZR61, and a financial contribution of £10,764.00 is sought to the enhance the public footpath network (as per para 7.150 and 7.155 of the original committee report at Appendix 2). The comments by KCC Highways and the independent highway advice advise that if the link is not viable or feasible for any reason, then they request the creation of a crossing point in the vicinity of the main site access to fully facilitate journeys on foot. This would be controlled via the S.106 agreement to ensure the site has suitable pedestrian connection links.
- 3.14 The comments provided by Railton on behalf of Newington Parish Council notes that the applicants Technical Note does not deal with the absence of a safe pedestrian route to local facilities, the absence of feasible mitigation at the Key Street roundabout the lack of credible air quality mitigation and the failure to consider cumulative impact. The first point has been addressed in the paragraph above; and these points have been addressed in the original committee report at Appendix 2 at paras 6.25-6.41; 6.55-6.66; 7.49-7.58; 7.109-7.126; and 7.148-7.157 of the original committee report at Appendix 2.
- 3.15 Further to the original committee report at para 7.11 which set out that the Council had a 4.8 year Housing Land Supply, the Council has an updated housing land supply position as published in December 2022. The latest published position within the ‘Statement of Housing Land Supply 2021/22 Swale Borough Council December 2022’, identifies that the Council has a 4.83 year Housing Land Supply. As a result, the Council cannot demonstrate a 5 year supply a presumption in favour of sustainable development must be applied under paragraph 11 of the NPPF.

4. CONCLUSION

- 4.1 The application was originally heard at Planning Committee on 10th November 2022 where Officers recommended approval. Since this time an independent highway review has been carried out. The review has been attached in full with a very clear conclusion being drawn

by the Council's consultant that the proposal is compliant with the relevant local and national highway policies, subject to conditions which are attached.

- 4.2 The proposed development would result in new residential development outside the defined settlement boundary of Newington. The proposed development would result in the loss of a small section of agricultural land and the development of greenfield land. The proposal would see a degree of localised landscape harm and impact to the setting of the High Street Conservation Area.
- 4.3 However, the Local Authority cannot demonstrate a 5-year housing land supply. The titled balance is therefore applicable to the site as is not located within a protected area nor within an identified local level of landscape importance.
- 4.4 The proposal would provide additional housing, including the provision of 18 on-site affordable units in the Borough adjacent to a settlement boundary on the development hierarchy strategy. There would be modest positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents).
- 4.5 The site is in a sustainable location, being within walking distance to the facilities and services within Newington, and with walking distance to public transport facilities (bus and train station) that serve Newington. There would be other benefits from the scheme including the 37% Net Gain in Biodiversity and aim to achieve 50% reduction in CO2. The proposal would be considered to have a moderate weight in meeting an environmental objective.
- 4.6 The proposal would include a contribution to improve the surfacing of Public Footpath ZR61 (to provide a 1.5m wide all-weather surface), which will enhance pedestrian connectivity within Newington.
- 4.7 The proposal is considered on balance acceptable and is recommended for approval.
- 4.8 On the basis of the above, in the event that the Planning Committee was minded to refuse the scheme for reasons related to highway impacts, I consider there would be a high likelihood that such a refusal would not be credible at appeal. This is based on the fact that both KCC Highways and separately an independent highway consultant has assessed the scheme in detail and concluded that the proposals are in accordance with the relevant local and national highway policies. At an appeal it would be expected that the Council was able to defend reasons for refusal with appropriate technical evidence. In this case, the lack of any technical evidence to support a reason for refusal on these grounds would, as well as likely resulting in an Inspector allowing an appeal, also mean in my view that there would be a high risk of costs being awarded against the Council at an appeal in such a scenario.

5. RECOMMENDATION

Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.

CONDITIONS to include

Grampian Conditions

- 1) No development shall occur on site until information has been submitted

demonstrating for the written approval by the Local Planning Authority that prior extraction of the Brickearth mineral is either:

- A. unviable or;
- B. further testing of the mineral demonstrates it is not usable or mineral extraction would result in significant adverse impacts upon protected species or habitats; neighbouring properties; land levels; or archaeology or;
- C. full prior extraction of the viable deposits of the Brickearth has been completed to the satisfaction of the planning authority in consultation with Kent County Council as the minerals authority.

The details shall include assessments to determine whether brickearth extraction would impact upon protected species or habitats; neighbouring properties; land levels; or archaeology. The above criteria a.to b. to be agreed as appropriate, in writing, with the Local Planning Authority (who shall consult Kent County Council).

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the safeguarded mineral is not sterilised

- 2) No dwellings shall be occupied, until the Key Street highway improvement contract has been awarded.

Reason: In the interest of highways capacity

Related to outline nature and requirements of the RMA

- 3) Details relating to the landscaping, layout, scale and appearance of the proposed dwelling(s) 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.

- 4) Application for approval of reserved matters referred to in Condition (3) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

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

- 5) 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.

- 6) Prior to the submission of a reserved matters application, a design code shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be based upon the Site Parameter Plan drawing 23254C/150_A; and Design and Access Statement, and shall include the following –
- A local study (regarding urban design, landscape character and architecture). The local study will cover.
 - i. Urban form,
 - ii. Block pattern and size,
 - iii. Development to space relationships, such as building heights to street widths,
 - iv. Open space typologies,
 - v. Built response to topography,
 - vi. Local Landscape Characters at national and Local levels,
 - vii. Local habitats and species as well as patterns of vegetation,
 - viii. Boundary treatments,
 - ix. Architectural vernacular and details
 - A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials, boundary treatments, and provision of car parking. The masterplan shall be based on a design response to the local study.
 - Principles for establishing character areas
 - Principles for road hierarchy, pedestrian and cycle connections, including the alignment, width, lighting and surface materials to be used
 - A strategy for street tree planting
 - Principles for the layout to accommodate and respond to existing landscape features within the site.
 - Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage
 - A strategy to provide open space, footpath and cycle linkages.

The reserved matters shall be designed to accord with the approved Design Code.

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

- 7) A) Before the submission of reserved matters and any brickearth extraction, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development (including any brickearth extraction) shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording with a specification and timetable which has been submitted to and approved by the local planning authority.

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

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

- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record

- 8) The development hereby permitted shall be carried out in accordance with the following approved drawings, documents and mitigation set out within:

Site Location Plan (23254C/25_D); Proposed Site Access (15809-H-01 Rev P4); Parameter Plan (23254C/150_A); Transport Statement (dated September 2021) and Addendum (dated March 2022); Landscape and Visual Appraisal (dated September 2021); Planning Statement (dated October 2021), Design & Access Statement (dated October 2021); Preliminary Ecological Appraisal (dated October 2021); Noise Assessment (dated September 2021); Flood Risk Assessment (dated August 2021); Arboricultural Report (dated September 2021); Air Quality Assessment (dated August 2021, Addendum (dated January 2022) and Air Quality Mitigation Statement (dated July 2022); Minerals Resource Assessment (dated August 2022).

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

- 9) The development hereby permitted shall consist of no more than 46 residential units (Use Class C3) and the detailed design shall strictly accord with the following Parameter Plan 23254C/150_A

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

- 10) An accommodation schedule shall be provided with the reserved matters application. The accommodation schedule shall demonstrate a range of housing types (including both market and affordable units) are provided which reflects the findings of the current Strategic Housing Market Assessment or similar needs assessment (or most recent standard) as well as making provision for wheelchair adaptable dwellings and wheelchair user dwellings as part of the housing mix.

Reason: To ensure there is a mix and size of dwellings to meet the future needs of households

- 11) The details submitted pursuant to condition (3) shall show adequate land, reserved for the parking or garaging of cars; suitable storage for cycle parking; and electric vehicle charging provision (in accordance with the currently adopted Kent County Council Vehicle Parking Standards and Swale Parking SPD or most recent relevant standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted. All Electric Vehicle chargers provided must be to Mode 3

standard (providing a minimum of 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users, and interests of air quality.

- 12) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application.

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

- 13) With the submission of the reserved matters application an ecological and landscape management plan, Must be submitted to the Local Planning Authority for written approval. The submitted report shall include:

- a) Overview of the habitats and species to be retained/create on site.
- b) Methodology to create / enhance the habitats on site.
- c) Overview of the management
- d) Detailed timetables of the proposed management – capable of being a 5 year rolling plan
- e) Habitat plans
- f) Updated BNG Metric
- g) Details of ecological enhancements to be incorporated in to the open space and buildings.
- h) Details of on going monitoring and management plan reviews
- i) The enhancement should include, but is not limited to, the following:
 - a. Native species
 - b. Bird and bat boxes/integrated features
 - c. Insect boxes and bricks
 - d. Hedgehog highways
 - e. Log piles

The plan shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: To contribute to protecting and enhancing biodiversity, and improving the aesthetic value of the development as well as resident's well-being.

- 14) With the first reserved matters application, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. No external lighting other than agreed subject to this condition shall be installed on site without the prior consent of the local planning authority.

Reason: In the interests of protected species.

- 15) The development shall be designed to achieve a water consumption rate of no more

than 110 liters per person per day, and no dwelling 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.

- 16) The details submitted pursuant to Condition (3) above shall demonstrate how principles relating to minimising the opportunities for crime and anti-social behaviour have been incorporated in the layout, landscaping and building design.

Reason: In the interests of minimising the opportunities for crime and anti-social behaviour.

- 17) The details submitted pursuant to Condition (3) above shall show dwellings extending to no more than 2 storeys in height.

Reason: In the interests of complementing the character and appearance of existing development in the vicinity of the site.

- 18) The reserved matters application shall include the following reports along with all other drawings and documents as required for validation purposes:

- Tree Protection Plan
- Design and Access Statement
- Landscaping Design Statement
- Landscaping and Visual Impact Assessment; and
- Energy and Sustainability Statement

Reason: In order that the Council is satisfied with the details of the proposed development and in the interest of proper planning

Pre-Commencement

- 19) 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 facade 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.

- 20) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:
- a) A site investigation (phase 2), based the phase 1 assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (phase 2). 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. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.
 - c) A Verification Report shall be submitted upon completion of the works and shall include full verification details as set out in the verification plan. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

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

- 21) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and

- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
- (x) Phasing of the development

Reason: In the interests of the amenities of the area

- 22) Prior to commencement of development, a detailed strategy for the control of noise and vibration during any piling activities shall be submitted to and approved by the Local Planning Authority and all measured approved shall be implemented throughout the construction phase.

Reason: In the interests of the amenities of the area

- 23) Prior to the commencement of development (including vegetation clearance and prior to any brickearth works), an ecological mitigation strategy must be submitted to the Local Planning Authority for approval. The submitted report shall include:

- a) Updated Preliminary Ecological Appraisal assessing if the existing ecological information is still valid.
- b) Recommended specific species surveys.
- c) Overview of the mitigation required
- d) Detailed methodology to implement mitigation.
- e) Maps showing retained habitat and mitigation areas.
- f) Maps showing the location of any off site mitigation areas.
- g) Landowner agreements for the retention and management of the off site mitigation areas.
- h) A detailed method statement for the removal or long-term management /eradication of invasive species on the site.
- i) Timings of when the works will be carried out.
- j) Details of who will be carrying out the works.
- k) Interim management plan for habitats retained on site.

The development shall be carried out in accordance with the approved details and retained for the lifetime of the development. The plan must be implemented as approved.

Reason: To protect biodiversity

- 24) Development shall not begin in any phase 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 be based upon the Flood Risk Assessment prepared by DHA dated August 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- that 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

- 25) Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

The development shall be carried out in accord with the approved Construction Management Plan at all times unless otherwise agreed in writing by the local planning authority (who shall consult Kent County Councils Highways).

Reason: In the interests of highway safety

- 26) Prior to the construction of any dwelling in any phase 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 interest of promoting energy efficiency and sustainable development.

- 27) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure 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 114 NPPF.

Prior to above ground level works

- 28) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials, including hard surfaces to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 29) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the biodiversity net gains in as per Condition 13. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, lighting, bollards, street furniture (including waste bins), cycle linkages, wayfinding, permeability of all hard surfaces, materials, use of planting to provide privacy and defensible areas and an implementation programme. All new streets must be tree lined.

All hard and soft landscape works 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 submitted to and agreed in writing with the Local Planning Authority.

The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs 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.

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

Pre-Occupation

- 30) Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: In the interests of sewer network capacity

- 31) No building 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.

- 32) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction

that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 33) Prior to the occupation of any of the units hereby permitted the approved access as show on the approved plans including 15809-H-01 Revision P4 shall have been completed and brought into use and maintained as such thereafter.

Reason: In the interest of the local highway network.

- 34) Prior to first occupation of the development hereby approved details of a motorbike inhibitor at the junction of the proposed pedestrian link with public footpath ZR61 shall be submitted to and approved in writing by the Local Planning Authority (in consultation with KCC Public Rights of Way). The inhibitor shall meet KCC specifications, and be sited within the development site at the boundary to restrict access to the public footpath. The approved details shall be implemented prior to first occupation of the development and maintained as such thereafter.

Reason: To protect pedestrian users of the footpath and prevent unauthorised (cycles and motorbikes) accessing to the footpath.

- 35) No part of the development shall be brought into use until visibility splays of 2.4m x 42.5m to the west and 2.4m x 38.4m to the east (or 2.4m x 43m if measured 0.29m from the channel line) of the access are provided at the junction with High Street (A2) as demonstrated on topographical survey base map have been submitted to and approved in writing by the Local Planning Authority. The development shall only then be carried out in accordance with the approved details.

Reason: To ensure safe and suitable visibility splays can be fully achieved at the proposed site access point in the interests of highway safety.”

- 36) Prior to the occupation of the units hereby approved, a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal split targets, a programme of implementation, proposals to promote alternative forms of transport to and from the site, other than by the private car and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To reduce dependency on the private car

- 37) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- 38) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 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 amenity

- 39) 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 (to include reasonable periods of reprieve) unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity

INFORMATIVES

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

