

PLANNING COMMITTEE – 5 June 2023**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Minutes show that this Item as being deferred from the Meeting of 25 January 2023

DEF ITEM 2 REFERENCE NO - 22/503418/OUT		
APPLICATION PROPOSAL		
Outline Application with access matters sought for the development of up to 16 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. (Matters of appearance, landscaping, layout and scale are reserved for future considerations; except for access to Tonge Road.)		
ADDRESS Land at Tonge Road Sittingbourne Kent ME9 9BD		
RECOMMENDATION Approval subject to the prior completion of a s106 Planning Obligation to secure the heads of terms set out in the report and the imposition of conditions also set out in this report with delegated authority given to officers to negotiate the s106 agreement as necessary and to amend and add to the list of conditions as appropriate		
SUMMARY OF REASONS FOR RECOMMENDATION		
The site lies within the extended settlement boundary for Sittingbourne to the South of Tonge Road. The development of such a site is in line with the local plan policy and strategy. The scheme includes widening of Tonge Road and provision of footways along the southern part of Tonge Road towards where it becomes Lomas Road and contribute towards a quiet road scheme on Lomas Road. The means of access and quantum of development as shown in the illustrative design are considered acceptable.		
REASON FOR REFERRAL TO COMMITTEE		
Cumulative impacts of three close by schemes sharing infrastructure or mitigation schemes. No call in.		
WARD Murston	PARISH/TOWN COUNCIL Within Murston Parish which no longer has a Parish Council.	APPLICANT Fenrose Ltd AGENT Carter Jonas LLP
CASE OFFICER: Matt Duigan		
DECISION DUE DATE 30 June 2023	PUBLICITY EXPIRY DATE 28/10/22	CASE OFFICER Matt Duigan

1. INTRODUCTION

- 1.1. This application was initially reported to Planning Committee on 25 January 2023 with a recommendation for approval. The item was deferred for members of the planning committee to undertake a site visit.
- 1.2. The site visit was subsequently undertaken on 21 February 2023. The Minutes from the site visit are attached at Appendix 2 of this report, as is the original Committee Report (see Appendix 1).

2. POST SITE VISIT RESPONSE

- 2.1. Concerns were raised at the site visit over the possibility of residents from the proposed development parking directly on Tonge Road. Following the site visit advice has been received from KCC Highways who consider that it would be possible to introduce waiting restrictions to prevent this.
- 2.2. To address this, the Applicant should be required (by a condition of any planning permission) to apply for the associated Traffic Regulation Order (TRO), and to implement the signing and lining of this prior to the occupation of any dwelling, should the TRO application be successful. This would ensure that the TRO process is carried out at the developer's cost, and that any restrictions approved are put in place before residents become accustomed to parking on-street.

3. OTHER POST SITE VISIT MATTERS

- 3.1. Further advice has been received from KCC Highways to clarify requirements relating to highway related conditions and planning obligations.
- 3.2. A summary of the additional advice from KCC Highways is set out below:
 - The Highway Authority do not seek a contribution towards a pedestrian crossing (£25,000) at Tonge Road, as it is not considered that the development would generate sufficient pedestrian activity across it.
 - Additionally, no request has been made by the Highway Authority for contributions towards a quiet lanes scheme on Lomas Road (£7,000). It is not considered that the proposed development of 16 dwellings would materially increase traffic flows or pedestrian/cycle activity along Lomas Road above current levels to justify the provision of a scheme.
 - The Highway Authority has not identified a need for funding towards the pedestrian crossing or the Lomas Road Quiet Lane scheme through the current application. Nor has the Highway Authority approved any designs to confirm whether suitable improvements can be delivered. As such KCC Highways would not be prepared to accept funds to complete the highway works.
 - Offsite highway works are required to mitigate the impact of the development and these would be delivered by the developer themselves, secured through Section 278 Agreement. This will be the case with respect to the widening of Tonge Road to 5.5m across the site frontage. A condition should be imposed to secure this.

- 3.3. The off-site highway works and waiting restrictions are necessary and conditions are recommended to secure these on any consent.
- 3.4. Given that the KCC Highway officer has advised that the contribution towards the quiet lane and pedestrian crossing are not necessary to make the development acceptable in planning terms, and that they would not be fairly and reasonably related in scale and kind to the development, the obligations do not comply with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). Nor would these two obligations meet the tests set out at Paragraph 57 of the NPPF (2021).
- 3.5. An amendment is recommended to the Heads of Terms set out in section 10 of the original report to remove the following obligations:
- Pedestrian crossing for Snipeshill Footpath - £25,000
 - Quiet Lane Scheme on Lomas Road - £7,000
- 3.6. The SAMMS tariff is reviewed each year and index linked in line with inflation and the new tariff is to be applied from 1st April each year. The new 2023/24 SAMMS tariff figure is £314.05 per dwelling, for this development a contribution of £5,025 is required. A further amendment is recommended to the Heads of Terms set out in section 10 of the report to add the following obligations:
- Adjust the SAMMS contribution to £5,025
 - The inclusion of a monitoring fee of £8,818.71
 - Correct the total financial contributions, being: £ 293,957 + £8,818.71 (monitoring fee) = £302,775.63

4. REVISED CONDITIONS AND PLAN

- 4.1. Officers also recommend that the following amendments be made to the recommended conditions and plan numbers:

Conditions

7) Completion of Roads and Footways

Prior to first occupation of each of the dwellings hereby approved, the following works between a dwelling and the adopted highway shall have been completed: (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 (**with no obstructions over 0.9metres above carriageway level within the splays**), street lighting, street nameplates and highway structures (if any).

Thereafter the works shall be retained and maintained for the life of the development.

Reason: In the interests of highway safety and amenity.

[Planning Officer comment: KCC Highways requested clarity in the condition over the requirement for visibility splays and for works to be maintained for the life of the development.]

11) Details of Parking and Cycle Parking

The details submitted pursuant to condition (1) above shall include details of the provision of vehicle **manoeuvring**, parking **including Electric Vehicle Charging Points** and permanent retention of secure covered cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details.

Reason: In the interests of highway safety and active travel.

[Planning Officer comment: KCC Highways requested clarity in the conditions over the need for manoeuvring areas and Electric Vehicle Charging Points.]

14) Pre-commencement: Land contamination

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:

1) A preliminary risk assessment which has identified all previous uses- potential contaminants associated with those uses- a conceptual model of the site indicating sources, pathways and receptors- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (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.

On completion of the works a Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). 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 the development does create risks to health and safety from contamination.

[Planning Officer comment: The change clarifies that the Closure Report verifying contaminants have been remediated is required on completion.]

18) Pre-Commencement: Construction Environment Management Plan

Prior to the commencement of the development, a Construction Environment Management plan shall be submitted to and approval in writing by the Local Planning

Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- Hours of working ~~and timing of deliveries~~
- An indicative programme for carrying out the works Measures to minimise the production of dust on the site(s)
- 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)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- ~~Provision of off-road parking for all site operatives~~
- ~~Measures to prevent the transfer of mud and extraneous material onto the public highway~~
- ~~Routing of construction and delivery vehicles to / from site, including the number of vehicles~~
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- ~~Provision of wheel washing facilities~~
- ~~Temporary traffic management / signage~~
- The location and design of site office(s) and storage compounds
- ~~The location of temporary vehicle access points to the site(s) during the construction works~~

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

[Planning Officer comment: The amendment removes the duplication of the same requirements which are set out in Condition 19.]

20) ~~Completion of Access and Quiet Lane Scheme~~

~~The access shown on the hereby approved plans, and the Lomas Road Quiet Lane scheme included in the accompanying planning obligation, shall be completed prior to occupation of any of the herby approved units.~~

Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: To ensure proper and safe access.

[Planning Officer comment: KCC Highways advice is that the delivery of the Lomas Road Quiet Lane is not required, as such this element of the condition has been deleted.]

New conditions:

Prior to above ground works, plans and details setting out the design and specification for the highways works indicated on drawing TRS-WSP-00-XX-DR-TP-0001 Rev P04 to provide a footway and 5.5m wide carriageway along the site frontage shall be submitted to and approved in writing by the Local Planning Authority.

No dwelling hereby approved shall be occupied on the development site until the approved highway works have been carried out and fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

Prior to above ground works, an application shall be made for a Traffic Regulation Order to introduce waiting restrictions on both sides of Tonge Road between All Saints Road and the Eastern end of the development site. Thereafter the development shall be implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of highway safety and amenity.

[Planning Officer comment: KCC Highways advice is that the offsite highway works should be secured by way of a condition.]

- 4.2. In addition, a plan relating to the access into the site has been corrected, this revised plan has been approved by KCC Highways who advise that the plan TRS-WSP-00-XX-DR-TP-0001 Rev P03 be replaced by TRS-WSP-00-XX-DR-TP-0001 Rev P04.

5. CONCLUSION

- 5.1. Subject to the changes to planning obligations and condition set out above, the development proposals are considered to remain acceptable in terms of officer's recommendation and that the initial recommendation for approval presented to Committee remains justified.

6. RECCOMENDATION

GRANT subject to conditions and section 106 heads of terms as set out below. Delegated authority is also sought to amend condition wording and s106 clauses as may reasonably be required.:

Proposed Heads of Terms

	Per house (x 16)	Total Assumes 100% Houses	- Paid to	Project
Primary Education	£6,800.00 per applicable unit	£108,800.00	KCC	Towards a new 2FE Primary School serving this development and/or provision within the planning group

				('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Primary School Land	£2,026.22 per applicable unit	£32,419.52	KCC	Towards the land acquisition costs of a new Primary School serving this development ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Secondary Education	£5,176.00 per applicable unit	£82,816.00	KCC	Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne nonselective and Sittingbourne & Sheppey selective planning groups ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Secondary School Land	£2,635.73 per applicable unit	£42,171.68	KCC	Towards the land costs of the new Secondary School in Northwest Sittingbourne (Local Plan Policy MU1) and/or new Secondary Schools in Sittingbourne nonselective and Sittingbourne & Sheppey selective planning groups. ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Community Learning	£16.42	£262.72	KCC	Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre and outreach provision to increase capacity in the service.
Youth Service	£65.50	£1,048.00	KCC	Contributions requested towards additional equipment and resources for the Youth service to provide outreach services in the vicinity of the development.
Library Service	£55.45	£887.20	KCC	Contributions requested towards additional services, resources, and stock at Sittingbourne Library serving the development.

Social Care	£146.88	£2,350.08	KCC	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.
Waste Management Facilities	£183.67	£2,938.72	KCC	Towards capacity at HWRCs and WTS' within the Borough.
Affordable Housing	Provision in kind on or off site.	1 First home, 1 social rented home	On site	Provision in kind on or off site.
Primary Care	£360.00	£5,760	CCG	Towards GP provision in the Sittingbourne Area
Sports Provision	£593.00 per dwelling.	£9,488	SBC	Towards improving provision and facilities at East Hall Recreation Ground.
SPA Strategic Access Management and Monitoring Strategy	£314.05	£5,025	SAMMs	SAMMS management.
Monitoring fee		£8,818.71	SBC	To cover the cost monitoring and ensuring the delivery of planning obligations.
Total		£302,775.63		£ 293,957 + £8,818.71 (monitoring fee) = £302,775.63.

Please note that these figures are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3). Payments to be made prior to unit occupation.

CONDITIONS to include**1. Time Limit – Outline Schemes**

The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or 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.

2. Time Limit – Reserved Matters

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 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.

3. Reserved Matters

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for layout referred to in condition the following shall be submitted to and approved by the local planning authority: finished site levels, proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture.

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for appearance referred to in condition the following shall be submitted to and approved by the local planning authority: finished site levels: the palette of building materials and elevational designs.

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for landscaping referred to in condition the following shall be submitted to and approved by the local planning authority: details of both hard and soft landscape works. 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.

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for heights referred to in condition the following shall be submitted to and approved by the local planning authority: Heights above ordnance datum including completion of finished levels.

Reserved matters details of the layout, scale, appearance, and landscaping for the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as 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. Completion in Accordance with Approved Drawings and Parameters

The development hereby approved shall be carried out in broad accordance with the following approved drawings:

- Site Plan 48943_002A 11.07.2022
- Proposed Access Arrangements TRS-WSP-00-XX-DR-TP-0001 Rev P04

The reserved matters applications shall accord with the following parameters

- Parameter Plan 48943_003B 22.09.2022

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

5. Pre-commencement: Biodiversity Net Gain

Development shall not commence on until there has been a biodiversity gain plan submitted to and approved by the local planning authority; to demonstrate how the proposal shall contribute to the development achieving a post development biodiversity value with be a minimum of 10% higher than site pre-development biodiversity value. The calculation shall be in accordance with biodiversity metric 3.1 and based on the biodiversity net gain calculations submitted to Kent County Council Ecology and based on the biodiversity net gain calculations of 1st July 2022. The post development biodiversity value may include off-site biodiversity gain under the control of the applicant and purchased biodiversity credits. This gain shall thereafter be maintained for a minimum period of 30 years in line with the biodiversity gain plan.

The development shall be carried out in full accordance with the approved biodiversity gain plan.

Any off-site credits must demonstrate in the biodiversity gain plan

- That it is on land made available by a site provider with sufficient rights to the land;
- That it will be delivered by a specified person or body considered fit and proper to undertake the enhancement works;
- The land will be suitably managed to meet the required enhancement;
- That Work commenced 30 January 2020 or later;
- That the enhancement will be maintained for at least 30 years after the completion of those works;
- That the credit is measured using the most up to date biodiversity metric against a baseline metric assessment;
- That the credit may be allocated to development in accordance with the terms of the conservation covenant or planning obligation;
- That the credit is available to be allocated to this development;
- That it complies with rules on additionality and stacking including on protected sites;
- That it is in England, and;
- Monitoring and reporting for that site over the 30 year period.

Reason: To meet national and local policy on biodiversity net gain. This is a pre-commencement condition as these matters go to the heart of the planning consent.

6. Pre-Commencement: Landscape Management and Maintenance

Prior to the commencement of works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority

- 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 prescriptions for achieving aims and objectives;
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- f) Details of the body or organisation responsible for implementation of the plan;
- g) 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 approved plan will be implemented in accordance with the approved details.

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, or ten years for the structural planting along the southern and eastern boundaries, 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 interest of biodiversity and visual amenities.

7. Completion of Roads and Footways

Prior to first occupation of each of the dwellings hereby approved, the following works between a dwelling and the adopted highway shall have been completed: (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, (with no obstructions over 0.9metres above carriageway level within the splays), street lighting, street nameplates and highway structures (if any).

Thereafter the works shall be retained and maintained for the life of the development.

Reason: In the interests of highway safety and amenity.

8. Pre-occupation: lighting details

Prior to the occupation of any of the hereby approved units details of all external lighting shall be submitted to and approved by the local planning authority and the approved details so implemented.

Reason: To ensure no unacceptable impact on any protected species of bat.

9. Details of Materials

Notwithstanding the submitted plans, no development beyond the construction of foundations shall take place until details of the external finishing materials of the dwellings has been submitted to and agreed in writing by the Local Planning Authority.

The details shall include brick, roof tiles and front wall and gate materials. The details as approved shall thereafter be implemented.

Reason: In the interests of visual amenities.

10. Restriction of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), no development shall be carried out within Classes B and C and of Part 1 of Schedule 2 of that order

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

11. Details of Parking and Cycle Parking

The details submitted pursuant to condition (1) above shall include details of the provision of vehicle **manoeuvring**, parking **including Electric Vehicle Charging Points** and permanent retention of secure covered cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details.

Reason: In the interests of highway safety and active travel.

12. Pre-Commencement: High Speed Broadband

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.

13. Pre-Commencement: SUDS/Drainage

No development shall take place until the layout reserved matters details submitted as required by Condition 1 and as approved have:

- 1) A sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority 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.
- 2) demonstrated that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

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.

The development hereby permitted shall not be occupied until a Verification Report, pertaining to been submitted to and approved by the Local Planning Authority. 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 the development is served by satisfactory arrangements for the disposal of surface water, in line with National Policy (NPPF) 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.

14. Pre-commencement: Land contamination

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:

1) A preliminary risk assessment which has identified:- all previous uses- potential contaminants associated with those uses- a conceptual model of the site indicating sources, pathways and receptors- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (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.

4) On completion of the works a Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). 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 the development does create risks to health and safety from contamination.

15. Pre-occupation: Railway Noise Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against externally generated noise from the Chatham Main Line to standards in the Swale Borough Council's Noise and Vibration Planning Technical Guidance Document (May 2020) in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development is insulated to an acceptable level in accordance with national Policy and local guidance.

16. Construction Hours of Working

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 residential amenity.

17. Piling Hours of Working

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 any other day except between the following times:- Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

18. Pre-Commencement: Construction Environment Management Plan

Prior to the commencement of the development, a Construction Environment Management plan shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- Hours of working
- An indicative programme for carrying out the works Measures to minimise the production of dust on the site(s)
- 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)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water

- The location and design of site office(s) and storage compounds

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

19. Pre-Commencement: Construction Logistics Management plan

Prior to the commencement of the development, Construction Logistics Management Plan shall be submitted to approved by the local planning authority and so implemented, 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

Reason: To protect amenities.

20. Completion of Access

The access shown on the hereby approved plans shall be completed prior to occupation of any of the herby approved units.

Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: To ensure proper and safe access.

21. Wheelchair Accessible Dwellings

The homes should be provided as Part M4(2) standard (accessible and adaptable dwellings).

Reason: To ensure inclusive access.

22. Highway works 1

Prior to above ground works, plans and details setting out the design and specification for the highways works indicated on drawing TRS-WSP-00-XX-DR-TP-0001 Rev P04 to provide a footway and 5.5m wide carriageway along the site frontage shall be submitted to and approved in writing by the Local Planning Authority.

No dwelling hereby approved shall be occupied on the development site until the approved highway works have been carried out and fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

23. Highway works 2

Prior to above ground works, an application shall be made for a Traffic Regulation Order to introduce waiting restrictions on both sides of Tonge Road between All Saints Road and the Eastern end of the development site. Thereafter the development shall be

implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of highway safety and amenity.

INFORMATIVES

i. Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>

This website also provides more information about our Asset Protection team and the services they offer. Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

ii. Highways

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved

plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

iii. Code of Development Practice

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>.

iv. Surface Water Disposal

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

v. Crime Prevention

Please note the advice of the police crime prevention design advisor in the detailed design of the scheme.

vi. SAMMs

This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.

vii. Sewers

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

viii. Broadband

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high-speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband

connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

ix. SUDS

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water
- should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.

Given the impermeable nature of the site we will expect for clarification to be provided as part of the detailed design submission as to how surface water from the 'undeveloped areas' is prevented from entering the positively drained network and exceeding its designed capacity. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

x. Contaminated Soils

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

xi. Highways Approvals and Consents

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces

of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

