

## UPDATE REPORT TO PLANNING COMMITTEE – 22 JUNE 2023

<b>REFERENCE NO - 22/505618/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 25no. residential dwellings with enhanced renewable energy features and the provision of a 20-space staff car park and 20 space pupil pick-up/drop-off area for Newington C of E Primary School, together with associated access, landscaping, drainage and infrastructure works (Resubmission of 21/504028/FULL).		
<b>ADDRESS</b> Land at School Lane, Newington, Kent, ME9 7JU		
<b>RECOMMENDATION</b> 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.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> 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. The proposal would also provide a car park for drop off and parking for the local school. 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.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Deferred item from Planning Committee dated 8 March 2023		
<b>WARD</b> Hartlip, Newington, and Upchurch	<b>PARISH/TOWN</b> Newington	<b>COUNCIL</b> Newington
<b>APPLICANT</b> Fernham Homes		<b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 07/03/2023	<b>PUBLICITY EXPIRY DATE</b> 13/02/2023	<b>CASE OFFICER</b> Carly Stoddart

**1. INTRODUCTION**

- 1.1 This application was initially reported to Planning Committee on 9 March 2023 with a recommendation for approval. The item was deferred for members of the planning committee to undertake a site visit.
- 1.2 The Committee minutes set out the following resolution:
- Resolved: That application 22/505618/FULL be deferred to allow the Planning Working Group to meet on site.*
- 1.3 The site visit is scheduled for Tuesday 13 June 2023 which is after the drafting of this update report. The site meeting will allow for points to be raised and questions to be asked. A tabled update will be provided ahead of 22 June 2023 Planning Committee.

## **2. ADDITIONAL INFORMATION**

2.1 The applicant has provided the following:

- A Biodiversity Net Gain Assessment and Biodiversity Net Gain Calculation.
- Air Quality Assessment – Clarification Letter

## **3. CONSULTATIONS**

3.1 Environmental Health – 12/05/2023

3.2 Reiterate previous comments regarding mitigation and the preference for details of the mitigation measures to be provided prior to decision, however acknowledge that this was previously recommended to be secured by s106.

3.3 KCC Ecological Service – 04/05/2023

3.4 Sufficient ecological information has been provided. As denoted by the metric results, a net-gain can likely be achieved by the development.

3.5 Satisfied with the results of the ecological impact assessment, which states that only precautionary mitigation measures are needed for protected species (section 8 of the report). Advise the operational development will require a sensitive lighting design and a 'landscape and ecological management plan' (LEMP) for the open space which can be secured by condition.

3.6 Kent Police – 17 April 2023

3.7 No further comment

## **4. APPRAISAL**

### Air Quality

4.1 The comments of the Environmental Health Officer remain unchanged stating that there is a preference for the details of mitigation measures to be provided prior to decision. As recommended in the Committee Report of 9 March 2023, this will be secured by s106 agreement.

### Ecology

4.2 In terms of the further information submitted, the BNG calculation reiterates that net-gain can be achieved. This is to be secured through the LEMP condition (20 as set out below) and s106 in terms of the Landscape Management Plan.

### REVISED CONDITIONS

4.3 For clarity and to meet the required test, officers recommend the conditions be reworded and renumbered as set out below.

## 5. CONCLUSION

- 5.1 Subject to the revised conditions, and the outcome of the site meeting, the development proposals are considered to remain acceptable in terms of officer's recommendation and the initial recommendation for approval presented to Planning Committee on 9 March 2023 remain justified.

## 6. RECOMMENDATION

GRANT subject the s106 as originally set out in the Committee Report of 9 March 2023 including tabled updates and conditions as set out below:

### Time Limit

- 1 The developments to which this permission relates must be begun no later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### Drawing Numbers

- 2 The development hereby approved shall be carried out and maintained in accordance with the following approved plans:

#### Received 25 November 2022

Drawing number 030/001	Site Location Plan
Drawing number 030/011	Boundary Treatment Plan
Drawing number 030/012	Tenure Strategy Plan
Drawing number 030/013	EV Charging and Parking Strategy Plan
Drawing number 030/014	Refuse Strategy Plan
Drawing number 030/015	Fire Strategy Plan
Drawing number 030/016	Indicative Adoption Plan
Drawing number 030/017	Proposed PV Plan
Drawing number 030/018	Proposed Site Sections
Drawing number 030/101	Elevations – Plot 1
Drawing number 030/102	Floor Plans – Plot 2
Drawing number 030/103	Elevations – Plot 2
Drawing number 030/104	Floor Plans – Plot 3, 4
Drawing number 030/106	Floor Plans – Plot 5
Drawing number 030/107	Elevations – Plot 5
Drawing number 030/109	Elevations – Plot 6, 7 & 15, 16
Drawing number 030/110	Floor Plans – Plot 8, 9, 10
Drawing number 030/112	Floor Plans – Plot 11, 12
Drawing number 030/114	Floor Plans – Plot 13, 20
Drawing number 030/115	Elevations – Plot 13, 20
Drawing number 030/116	Floor Plans – Plot 14
Drawing number 030/117	Elevations – Plot 14
Drawing number 030/118	Floor Plans – Plot 17, 18
Drawing number 030/120	Floor Plans – Plot 19
Drawing number 030/121	Elevations – Plot 19
Drawing number 030/122	Floor Plans – Plot 21

Drawing number 030/123	Elevations – Plot 21
Drawing number 030/125	Elevations – Plot 22
Drawing number 030/126	Floor Plans – Plot 23, 24, 25
Drawing number 030/127	Elevations – Plot 23, 24, 25
Drawing number 1635/001	Entrance Landscape Sketch
Drawing number 1635/002	Landscape Masterplan
Drawing number 1635/003	Play Strategy

Received 6 December 2022

Drawing number 030/100A	Floor Plans – Plot 1
Drawing number 030/105A	Elevations – Plot 3, 4
Drawing number 030/108A	Floor Plans – Plot 6, 7 & 14, 15
Drawing number 030/111A	Elevations - Plot 8, 9, 10
Drawing number 030/113A	Elevations – Plot 11, 12
Drawing number 030/119A	Elevations – Plot 17, 18
Drawing number 030/124A	Floor Plans – Plot 22

Received 12 June 2023

Drawing number 030/010A	Proposed Site Plan
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Reason: For the avoidance of doubt and interest of proper planning.

Pre-Commencement Conditions

Construction Environmental Management Plan (CEMP)

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting, pollution incident control measures, wheel chassis cleaning facilities, routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, temporary traffic management / signage and site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on, residential amenity and highway safety (on the local and national networks) with regard to Policies DM6 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Archaeological Evaluation Work

- 4 No development shall take place until a programme of archaeological field evaluation work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Should the watching brief indicate remains of interest no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority securing safeguarding measures to ensure the preservation of archaeological

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policies CP8 and DM34 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Tree Protection Measures

- 5 No development shall take place until details of tree protection measures across the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented in accordance with the approved details prior to any site clearance and the commencement of any development and shall be retained on site throughout the construction phase of the development.

Reason: Required prior to commencement of development to ensure that reasonable measures are being taken to protect trees during construction in line with Policy DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Contamination - Compliance

- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 7 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 10 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

#### Contamination - Investigation and Report

- 7 No development shall take place until a desktop study and risk assessment (in the form of a written report), in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desktop study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

#### Contamination - Remediation Scheme

8 No development shall take place until a detailed remediation scheme (if required following the desktop study and risk assessment under Condition 7) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

#### Contamination - Implementation and Verification

9 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme (under Condition 8) has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

### Unexpected Contamination

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which shall be submitted to and approved in writing by the Local Planning Authority.

The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with paragraph 183 of the National Planning Policy Framework 2021.

### Ecological Mitigation and Enhancement Strategy

- 11 No development or site clearance works shall take place until an Ecological Mitigation and Enhancement Strategy (EMES) in accordance with details as set out in section 8.0 (Mitigation Measures) in the 'Interim Ecological Assessment' reference KEME9 437, dated February 2022, by Bakerwell has been submitted to and approved in writing by the Local Planning Authority. The development and site clearance shall thereafter be carried out in accordance with the approved EMES.

Reason: To ensure that reasonable measures are being taken to protect biodiversity in accordance with DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

### Pre-occupation Conditions – Slab Level

#### Highway Details

- 12 No development shall take place above ground floor slab level until details of the 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 to be laid out and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: Required prior to commencement of development to ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

### Materials

- 13 No development shall take place above slab level until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

### Sustainable Drainage Scheme

- 14 No development shall take place above slab level until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the Flood Risk Assessment and the Drainage Strategy, reference 140960-FAH-ZZ-XX-RP-C-0001, dated July 2021 prepared by Fairhurst 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 without increase to flood risk on or offsite.

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

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable)
- ii. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- iii. A timetable for its implementation
- iv. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- v. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water that is intrinsic to the design and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with Policies DM14 and DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

### Energy Efficiency and Carbon Reduction Measures

- 15 No development shall take place above slab level until details of the measures to be implemented to address energy efficiency and carbon reduction have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with Policy DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.



### Pre-occupation Conditions

#### Sustainable Drainage Verification Report

- 16 No dwelling shall be occupied (or within an agreed implementation schedule) until a signed verification report carried out by a qualified drainage engineer (or equivalent) has been submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems has been constructed as per the agreed scheme and plans. The report shall include information and evidence (including photographs) of details and locations of critical drainage infrastructure (such as inlets, outlets and control structures, landscape plans) including as built drawings, and an operation and maintenance manual for the unadopted parts of the 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 167 of the National Planning Policy Framework 2021.

#### Verification Report: Energy Efficiency and Carbon Reduction Measures

- 17 Prior to the occupation of the 25<sup>th</sup> dwelling a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved energy efficiency and carbon reduction measures required pursuant to condition 15 have been implemented.

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with Policy DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Boundary Treatment

- 18 No dwelling shall be occupied until further details of all means of enclosure has been submitted to and approved in writing by the Local Planning Authority. These details shall be in accord with drawing number 1594/002 Rev D - Landscape Masterplan and drawing number 4176/sp/01C - Boundary Treatment Strategy Plan and include the proposed materials, overall height, and siting. The boundary treatment shall be completed in accordance with the approved details before the dwelling to which it relates is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies DM14 and DM26 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Hard and Soft Landscape Proposals

- 19 No dwelling shall be occupied until full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the drawing number 1635/002 - Landscape Masterplan and should provide images together with planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and surfacing materials

(hard surfaces). The development shall indicate a landscape buffer along the western boundary of the site which shall include a strong mix of native species trees. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory provision for landscaping in accordance with Policies CP4, CP7, DM14, DM28 and DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Landscape and Ecological Management Plan (LEMP)

20 No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP will be based on the drawing number 1635/002 - Landscape Masterplan and shall include the following details:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving the aims and objectives;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring and remedial measures.
- 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 LEMP shall be implemented in accordance with the approved details.

Reason: To ensure the protected of protected species and the delivery of biodiversity enhancements in accordance Policies DM28 and DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Play Equipment

21 No dwelling shall be occupied until details of the areas for equipped play facilities together with the play equipment, seating and safe surfacing based on Drawing number 1635/003 - Play Strategy and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy DM17 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Off-Site Highway Works

22 No dwelling shall be occupied until the Traffic Regulation Order for off-site highway works to provide a footway and the carriageway widening and an extension of the speed restrictions along School Lane as shown on drawing number 15058-H-01 Rev P8– Proposed Access contained within Appendix D of the Transport Statement reference PL/RS/15058 (dated November 2022) has been secured. Prior to the

occupation of the 5<sup>th</sup> dwelling the off-site highway works shall have been completed in accordance with the approved details

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Access and Vision Splays

- 23 No dwelling shall be occupied until the access as shown on drawing number 15058-H-01 Rev P8– Proposed Access contained within Appendix D of the Transport Statement reference PL/RS/15058 (dated November 2022) has been provided on-site. The access shall not be used until vision splays have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 1.2m above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Highway Works

- 24 No dwelling shall be occupied until the following works between the dwelling and the adopted highway 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, street lighting, street nameplates and highway structures (if any).

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Retained Parking

- 25 No dwelling shall be occupied until the areas shown for parking or garaging as shown drawing number 030/013 - EV Charging and Parking Strategy Plan has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Electric Vehicle Charging Points

- 26 No dwelling shall be occupied until an electric vehicle charger has been provided for that dwelling in accordance with drawing number 030/013 - EV Charging and Parking Strategy Plan. Electric vehicle chargers for homeowners within the development herein approved must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection) (or to a subsequent equivalent amending standard). All

electric vehicle chargers for visitor spaces shall be provided before the space is brought into use. All electric chargers shall thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

#### Cycle Storage

- 27 No dwelling shall be occupied until details of the secured, covered cycle storage arrangements for the dwellings, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

Reason: To provide cycle storage facilities of an appropriate design and in a safe and secure location in accordance with Policy DM7 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Refuse Storage

- 28 No dwelling shall be occupied until refuse storage arrangements for that dwelling, including provision for the storage of recyclable materials, in accordance with drawing number 030/014 - Refuse Strategy Plan have been provided. All refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Lighting: Residential

- 29 No dwelling shall be occupied until a Lighting Design Plan (which shall be overlain on the landscape plan) having particular regard for biodiversity, has been submitted to and approved in writing by, the local planning authority. The plan will show the height, external appearance, light intensity, colour and spillage and locations of external lighting, demonstrating that areas to be lit have taken account of the recommendations of the Bat Conservation Trust and the effects of lighting will be minimised with regard to disturbance of bat activity. All external lighting will be installed in accordance with approved Lighting Design Plan and maintained thereafter.

Reason: To ensure the scheme suitably mitigates against its impact in relation to biodiversity, in accordance with the requirements of Policy DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Lighting: Car Park

- 30 Prior to the first use of the school car park, details of the proposed lighting associated with the school car park as shown on drawing number 030/010 - Proposed Site Plan and ensuring low level lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first use of the car park and shall be maintained thereafter.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies CP4, DM14 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Car Park Parking Management Scheme

- 31 Prior to the first use, details of a Parking Management Scheme for the school car park shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be managed in accordance with the approved details thereafter.

Reason: To ensure the development does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

#### Compliance

##### Infiltration

- 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 and approved in writing by the Local Planning Authority to demonstrate 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 in accordance with paragraph 174 of the National Planning Policy Framework 2021.

#### **The Council's approach to the application**

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