

PLANNING COMMITTEE – 11 APRIL 2024

Working Group Item

ITEM 1 REFERENCE NO - 23/502365/FULL		
PROPOSAL Demolition of 4 dwellings and erection of 20 dwellings with associated external amenity areas, site access improvements, internal access road, parking, landscaping and habitat creation. Retention of an existing block containing 7 dwellings for unrestricted residential use.		
SITE LOCATION 77 - 83 and 87 London Road Sittingbourne Kent ME10 1NL		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate conditions and the completion of a Section 106 agreement securing Heads of Terms as set out in this report and the original report attached at Appendix C, with further delegation to the Head of Planning to negotiate the precise wording of conditions and obligations, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE Major		
REASON FOR REFERRAL TO COMMITTEE Ward Councillor (Cllr Cheesman) requests the application be determined by the Committee.		
Case Officer Matt Duigan		
WARD Homewood	PARISH/TOWN COUNCIL None	APPLICANT Mr M Salter AGENT Batcheller Monkhouse
DATE REGISTERED 23.05.2023		TARGET DATE 12.04.2024
BACKGROUND PAPERS AND INFORMATION: 23/502365/FULL Demolition of 4 dwellings and erection of 20 flats with associated external amenity areas, site access improvements, internal access road, parking, landscaping and habitat creation. Retention of an existing block containing 7 flats for unrestricted residential use. 77 - 83 And 87 London Road Sittingbourne Kent ME10 1NL (midkent.gov.uk)		

1. INTRODUCTION

- 1.1 This application was initially reported to Planning Committee on 8 February 2024, with a recommendation that permission be granted. The original Committee report is attached at Appendix C.
- 1.2 The Planning Committee resolved to defer the determination of the application to allow the Committee to undertake a site visit to better understand level changes, how a more sustainable build could be provided on site, examine highway and parking concerns on site.

- 1.3 The minutes from the 8 February 2024 Committee meeting are attached at Appendix B of this report and set out the following resolution:

Resolved: That application 23/502365/FULL be deferred to allow the Planning Working Group to meet on site.

- 1.4 The Planning Working Group met on site on 22 February 2024. The minutes from the Planning Working Group site visit are attached at Appendix A.

2. REVISED PROPOSALS

- 2.1 The applicant has updated the application in response to the matters raised in the site visit, including:

- To address member concerns that the site could remain undeveloped, the Applicant proposes to undertake certain works ahead of demolition.
- To address concerns that future residents would park on Borden Lane, the Applicant has revised the boundary treatment to prevent access to all but one of the dwellings in Block B from being able to directly access Borden Lane.

3. APPRASIAL

- 3.1 In terms of phasing, the original Committee report included a Condition (29) that required a phasing plan to be provided to ensure a developer was engaged to deliver the rest of the development if the houses at 77 to 83 London Road were demolished.
- 3.2 During the site visit, a member of the Planning Working Group requested a greater commitment be given to ensuring that development would not stall, namely, to require the development to be substantially underway before allowing demolition.
- 3.3 The Applicant has explained that this is complicated by the need to widen the site access so it is safe (in terms of sightlines and width) for construction vehicles ahead of building Block A. To make the adjustments to the site access, demolition of the dwellings on London Road would be required.
- 3.4 To demonstrate the developer is committed to completing the development, the Applicant proposes that the following works would be undertaken ahead of demolition:
- Pre-construction works, including:
 - Submission of discharge of pre-commencement planning conditions within 8 months of grant of planning permission.
 - Commence initial archaeological trial trenching as required by condition 31 to be undertaken within 8 months of grant of planning permission.
 - Site Investigations as required by condition 6 to take place within 8 months of grant of planning permission.
 - Slowworm translocation works to occur in April-May 2025
 - Installation of protective fencing and pre-commencement meeting with arboriculturist to take place in April-May 2025.
 - Building recording and analysis of 77-83 London Road as required by condition 33 to take place in April-May 2025.
 - Refurbishment of the locally listed wall on Borden Lane and installation of a scheme of interpretation.

- 3.5 The aim of this is to provide assurance that the development is being meaningfully progressed ahead of demolition of the dwellings fronting London Road. Officers recommend that an additional Head of Term be added to the S106 legal agreement to require the details the above works to form the first phase of development. Condition 29 has therefore been removed.
- 3.6 The applicant has adjusted the plans for boundary treatment to prevent access from Borden Lane to all but one dwelling.
- 3.7 Block B is an existing building, the lower level directly faces Borden Lane, one of the flats (Flat 1) has a front door opening out to Borden Lane, and it would not be practicable to restrict access to Flat 1 from Borden Lane. This relates only to a single flat in Block B and is an existing situation.
- 3.8 Access to all other dwellings would be from London Road only. A condition is recommended to require further details of the boundary treatment, as this would need to allow convenient access for the occupants of Flat 1 in Block B to the communal facilities within the site (e.g., bin and bike stores, parking areas and open space), while preventing wider access to the site from Borden Lane for other occupiers.

4. CONCLUSION

- 4.1 The Applicant has responded positively to matters raised during the Planning Working Group site visit. The proposal accords with the Local Plan and the NPPF. It is recommended for that the application be approved.

CONDITIONS

1. The development to which this permission relates must be begun not later than the 3 years of the date of this planning permission.

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

2. The development hereby permitted shall take place in accordance with the following plans and documents:

Drawing numbers 7460-PD2-02, 7460 - PD2-01, 7460-PD2-03 Rev E, 7460 - PD2-04 Rev D, 7460-PD2-05 Rev B, 7460 - PD2-06 Rev B, 7460 - PD2-07 Rev B, 7460 - PD-08, 7460 - PD2-09, 7460 - PD2-10 Rev A, 7460 - PD2-11 Rev B, 7460 - PD2-13, 7460 - PD2-14, 7460 - PD2-15, 7460 - PD2-20, 7460 - PD2-50 Rev B, ITL17299-GA -007 Rev B, PJC.1158.001 Rev D, PJC.1158.002 Rev D.

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

3. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Material samples and sample panels shall be placed/ erected on the site before the application to discharge the condition is submitted.

Thereafter the development shall be built in accordance with the approved details.

Reason: In the interest of visual amenity.

4. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works and a Landscape Management and Maintenance Plan for areas of landscaping (not included in the ecological area of retained scrub) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - Existing trees, shrubs and other features;
 - Planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity);
 - Plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials;
 - Hard landscaping
 - Details of railings and soft landscaping to create a buffer to the front of ground floor windows to Block A to prevent undue overlooking of habitable room windows from the external amenity space.
 - Timetable for implementation

All hard and soft landscape works shall be implemented in accordance with the approved details. Ongoing management and maintenance of landscaped areas shall thereafter accord with the approved management and maintenance details.

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

5. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species and within whatever planting season 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.

6. No development shall take place until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 1. A site investigation scheme, based on the Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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 written consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

7. Prior to any part of the development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

10. No development shall take place until a Construction Management Plan has been 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 Construction Management Plan shall include the following detail:

- (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 construction of the development shall then be carried out in accordance with the approved methodology.

Reason: To protect the amenity of nearby occupiers and prevent pollution. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

11. No construction work in connection with the development shall take place on any Sunday or Bank or Public 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: Reason: To protect the amenity of nearby occupiers.

12. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques (roof runoff areas only) and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall not exceed a discharge rate of 5l/s for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

The development shall thereafter 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.

13. No building 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 Verification Report shall demonstrate that the drainage system constructed is consistent with that which was 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.

14. The development hereby approved shall achieve 'Secured by Design' accreditation awarded by the Kent Police. The development shall not be occupied until accreditation has been achieved and details have been submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 and the Construction (Design and Management) Regulations 2007.

15. No development shall take place above foundation level until details of the measures to be undertaken to achieve at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) for the development of the 20 new dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

16. Prior to commencement of works to Block B, details of the materials and measures to be used to increase energy efficiency, thermal performance and to reduce carbon emissions 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.

17. The development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied until details of the measures used to achieve the rate for that unit(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of water conservation and sustainability.

18. The development shall accord with the noise mitigation measures set out in the Acoustic Report (ref: 0053191-0820-EN-RP-0001 R01 dated 17/5/23).

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) shall be 5dB below the existing measured background noise level LA90, T.

Reason: To protect the amenity of future and existing occupiers.

19. Prior to the first use of the electricity substation an acoustic report assessing the impact of the substation shall be submitted to and approved in writing by the Local Planning

Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the substation to ensure that there is no loss of amenity to residential or commercial properties.

For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45).

The electrical substation equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating.

After installation of the approved plant no new plant shall be used without the written consent of the Local Planning Authority.

Reason: To protect the amenity of future and existing occupiers.

20. Prior to the first occupation of the development, a parking allocation plan shall be submitted to and approved by the Local Planning Authority. The vehicle parking spaces shown on approved plans (7460-PD2-03 Rev B and 7460 - PD2-05 Rev A) shall be completed, made available for use (in accordance with the parking allocation plan) and shall be retained thereafter.

Reason: To enable the Local Planning Authority to retain control of the development in the interests of highway safety.

21. Prior to the first occupation of the development, the cycle parking facilities shall be provided as shown on the approved plans (7460-PD2-03 Rev B, 7460 - PD2-50 Rev B and 7460 - PD2-05 Rev A) and thereafter retained for such use.

Reason: For the avoidance of doubt, and to enable the Local Planning Authority to retain control of the development in the interests of highway safety.

22. No of development shall take place until detailed designs for the vehicle access as indicatively shown on the submitted plans (drawing number: 7460-PD2-03) have been submitted to and approved by the Local Planning Authority.

No occupation of any dwellings shall take place until the approved vehicle access and any other associated highways works have been completed in accordance with a Section 278 agreement with the Highway Authority.

Reason: In the interests of highway safety and pedestrian amenity. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

23. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
 - (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays (with no obstructions over 0.9metres above carriageway level within the splays),

Reason: In the interests of highway safety.

24. Prior to the occupation of any of the dwellings, details of all external lighting and a timetable for implementation shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained thereafter.

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

25. All mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the Phase 2 Ecological Survey Report (PJC, October 2022). This shall include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

26. No development shall take place above foundation level until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall set out a long-term strategy (minimum of 30 years) detailing how all habitat mitigation, compensation and enhancement measures (including habitat creation, enhancement and succession initiatives) used to inform the BNG Design Stage report (ref: 4862E/22/01), will be delivered through initial landscape works and long-term future management and monitoring of the development site. The LEMP will include measures to maximise biodiversity net gain on site and seek to achieve at least 10% biodiversity net gain where possible along with a timetable for implementation.

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

Reason: In the interests of enhancing biodiversity and to positively address concerns regarding climate change.

27. No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare.

- f) a statement demonstrating how the proposal will maximise biodiversity net gain on site and detailing how all habitat mitigation, compensation and enhancement measures (including habitat creation, enhancement and succession initiatives) used to inform the BNG Design Stage report (ref: 4862E/22/01), will be delivered through initial landscape works and long-term future management and monitoring of the development site.

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

28. The development shall be carried out in accordance with the tree protection measures set out in the Arboricultural Impact Assessment PJC/6124/23-02 Rev 02 including:
- Initial tree works,
 - Tree protection barriers,
 - Storage and handling of harmful chemicals,
 - Contractor facilities,
 - Demolition of existing building adjacent to G13,
 - Excavating building footings and basement parking adjacent to the root protection areas of T7 and G9,
 - Replacing existing hardstanding within root protection area of G9,
 - Installing new permanent fencing within root protection areas,
 - Soft landscaping within root protection areas,
 - Pre-commencement arboricultural consultancy input,
 - Pre-commencement meeting,
 - Arboricultural supervision,
 - Arboricultural monitoring, and
 - Process if an unforeseen issue relating to trees arises.

Reason: To ensure tree of merit are not damaged and in the interests of visual amenity and biodiversity.

29. No occupation of any building shall take place until a scheme for the restoration and of historical interpretation of the Locally Listed 'Loopholed Wall on Borden Lane' has been submitted to and approved in writing by the Local Planning Authority.

Examples of how to relay and interpret the history of the wall can include, but are not limited to, the use of an historical interpretation board. The details submitted pursuant to this condition shall include location, design, dimensions and materials of any fixed interpretation. The restoration and interpretation scheme shall be carried out in full accordance with the approved details prior to the demolition of the dwellings at 77 - 83 London Road and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness.

30. A) Prior to any development works 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 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 in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- D) 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.
- E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

31. The 20 new homes (in Block A and Block C) shall be provided as Part M4(2) standard (accessible and adaptable dwellings).

Reason: To provide inclusive access for future occupiers.

32. Prior to demolition of the dwellings at 77 to 83 London Road an appropriate programme of building recording and analysis shall be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the non-designated heritage assets.

33. Prior to the occupation of flats 12 and 13 the balcony privacy screen as shown on the third floor layout plan on drawing number 7460 - PD2-06 Rev B and in elevation 7460 -

PD2-07 Rev B shall be installed. The balcony privacy screen shall thereafter be maintained.

Reason: To ensure adequate privacy for the occupiers of the development.

34. Prior to first occupation of the development, a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved development, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

Reason: To reduce vehicle usage and associated traffic congestion, emissions and to promote sustainable transport.

35. Prior to works to Block B, plans and details of boundary treatment and an access controlled gate at Borden Lane and the interface with Block B shall be submitted to and approved in writing by the Local Planning Authority.

The boundary treatment and an access controlled gate shall be designed to prevent access to the site from Borden Lane other than for the occupants of Flat 1 of Block B.

The boundary treatment and an access controlled gate shall be installed in accordance with the approved details, prior to the occupation of any dwellings and thereafter maintained for the life of the development.

Reason: To reduce vehicle usage and associated traffic congestion, emissions and to promote sustainable transport.

INFORMATIVES

The Council's approach to the application

1. In accordance with paragraph 38 of the National Planning Policy Framework (2023), 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.
2. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Secure By Design

3. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts serving the flats. These areas must be well lit and covered by natural surveillance from neighbouring properties.

4. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
5. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We recommend parking areas be covered by natural surveillance from an “active” window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. For undercroft parking, we strongly recommend the space be gated with fob/ code access for residents only. Due to the lack of natural surveillance, these spaces can attract criminal activities without access control and be vulnerable to misuse and damage.
6. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
7. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: “18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+.
9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
10. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
11. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
12. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

13. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area.
14. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard.. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
15. CCTV is advised for all communal entry points and to cover the mail delivery area.

Environmental Health

16. Adequate and suitable measures shall be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site shall be transported by a registered waste carrier and disposed of at an appropriate legal tipping site. As the development involves demolition and construction, it is recommended that the applicant examine the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expect. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

Environment Agency

17. The applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

Highways

18. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. 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.
19. 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.

20. 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.
21. 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.
22. 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-permissions-and-technical-guidance>
23. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Southern Water

24. Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here: [water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx](http://www.water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)
25. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
26. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
27. Please Note: There is a private communication pipe within the development site.
28. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

29. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.
30. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available to read on our website via the following link southernwater.co.uk/developing-building/connection-charging-arrangements
31. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Piling

32. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73.

Waste

33. Waste on-site The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA.
 - some naturally occurring clean material can be transferred directly between sites.
34. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to:
 - the Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK.
35. 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.

36. 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>

Asbestos

37. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

