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2.3 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 the report, 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	APPLICANT Mr M Salter AGENT Batcheller Monkhouse
DATE REGISTERED 23.05.2023	TARGET DATE 11.02.2024	
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. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located on the southside of London Road, at the corner of Borden Lane. The site is within the boundary of the built-up area of Sittingbourne.
- 1.2. The site itself measures approximately 0.3ha in area and primarily forms a plateau area which falls away significantly on the northern and eastern boundaries. Most of the site lies at a higher level than both London Road and Borden Lane. The site is accessed directly from London Road via a sloping access drive, there is no access from Borden Lane. The

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current access from London Road is limited in terms of visibility due to the row of terraced houses adjoining the road.

- 1.3. The majority of the site formerly contained a care home which had been disused for a number of years and has since been demolished. On the London Road frontage there is a row of four terraced dwellings.
- 1.4. There is also an existing (vacant) block which had been used as residential accommodation (7 flats) for persons aged over 55 year old.
- 1.5. The site is not located within an area at risk of flooding and is not in a Conservation Area. None of the trees within the site or adjacent to the site boundary are subject to a Tree Protection Order.
- 1.6. A petrol filling station lies immediately to the north of the site behind an extensive retaining wall. The petrol filling station and London Road both lie at a much lower level than the majority of the application site. Borden Lane lies on the eastern boundary of the site.
- 1.7. There is a bus stop adjacent to the entrance to the petrol station on London Road with a range of buses providing access to Sittingbourne Town Centre, Faversham and Sheerness. The site is also located approximately 1 kilometre from Sittingbourne train station.
- 1.8. The site is located approximately 30m from Chalkwell House, a Grade II listed building. On Borden Lane is a Locally Listed brick wall with WWII defensive gun loops.

2. PLANNING HISTORY

- 2.1. Set out below is the history considered relevant to the determination of the current application:

Ref no: 15/510309/FULL: Borden Lodge, 2A Borden Lane Sittingbourne Kent ME10 1DB
Change of use from one private dwelling to retirement apartments comprising of one 2-bedroom unit and six 1-bedroom units with associated car parking and amenity area (Part Retrospective).

Approved Decision Date: 29.09.2016

[Planning case officer comment: This relates to the existing building on the site (described as Block B in the current application)].

Ref no: 14/502368/DMORIC: 87 London Road Sittingbourne Kent ME10 1NL
Prior notification of proposed demolition - A single private dwelling (last use NHS services) in a dilapidated state due to extensive fire damage.

Approved Decision Date: 19.11.2014

[Planning case officer comment: The former care home had been damaged by fire and was unsafe.]

Ref no: 14/500615/FULL: 87 London Road Sittingbourne Kent ME10 1NL
Demolition of existing fire-damaged property: 87 London Road, Sittingbourne, and proposed warden-assisted retirement flats comprising 24 x 1-bed units and 8 x 2-bed units including communal lounge, laundry, guest bedrooms, management facilities and associated car parking, together with improvement and realignment works to the A2.
Not determined

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[Planning case officer comment: Minutes from the 26/11/2015 Planning Committee show that the application received a resolution for approval at the Planning Committee, however the required S106 legal agreement was never signed and the application was therefore not determined. In 2022, there being no further progress the case was closed.]

Ref no: SW/10/0510: 87 London Road, Sittingbourne, Kent ME10 1NL
Change of use of existing care home (Use Class C2) to a single dwelling (Use Class C3).
Approved Decision Date: 19.07.2010

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the demolition of the dwellings at 77 to 83 London Road and the construction of two blocks of flats (Block A and Block C).
- 3.2. Block A would be towards the southern portion of the site and would include a basement (for car parking and ancillary storage) with 13 dwellings above.
- 3.3. Block C would be located close to London Road and would accommodate 7 dwellings.
- 3.4. Block B is an existing building accommodating 7 dwellings. This would be retained and refurbished, accommodating 7 dwellings, with no age restriction.
- 3.5. The application proposes landscaping, creation of amenity space and enhancements to the access into and through the site. In total 26 car parking spaces are proposed along with space for motor cycle and cycle parking.
- 3.6. To the western end of the site is an area proposed to be designated as an ecological area (not accessible to future residents).

4. CONSULTATION

- 4.1. All immediate adjacent neighbours have been consulted, a site notice was erected near the site and an advert was published in the local press. Full details of representations are available online.
- 4.2. Three rounds of consultation have been carried out on 25/05/2023, 23/10/2023, and 27/11/2023.
- 4.3. First Round of consultation - neighbours
- 4.4. During the first round of consultation, 47 letters were sent to nearby occupiers. One representation was received in relation to the consultation. In summary, the submission stated:

Benefits:

- The current buildings are unsightly, the new development would help improve this part of London Road.
- The development has been carefully planned.

Disbenefits:

- Parking for London Road residents is already extremely difficult. This scheme would make it worse.
- Concerns over the noise during the construction of the development.
- Concerns over disruption to the traffic flow during the construction period.

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- The existing development has remained unfinished for many years. Measures should be required to ensure the current proposals are actually progressed if approved.
- Concern was raised over the entry junction into the development from London Road and highway safety. The road and paths would need re-surfacing.
- Construction debris and rubbish may blow onto London Road.
- Overlooking from proposed flats to neighbouring properties would result in a loss of privacy. Trees on the boundary should be retained to prevent overlooking.
- The development may mean the drains would block more frequently.

4.5. Second round of consultation – neighbours

4.6. During the second round of consultation a further set of 47 letters were sent to nearby occupiers. In response 3 letters were received raising objection to the proposal on the basis that insufficient on-site car parking is proposed and this could lead to on street parking pressure.

4.7. Third round of consultation – neighbours

4.8. Following receipt of revised information, a further round of consultation was undertaken. Letters were again sent to 47 nearby occupiers, in response 1 letter was received raising concern in relation to the potential for on street parking pressure to be exacerbated.

4.9. REPRESENTATIONS

4.10. As with neighbours, three rounds of consultation were carried out on 25/05/2023, 23/10/2023, and 27/11/2023. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee.

4.11. **SBC Conservation Officer** - The SBC Conservation Officer advised that there was no objection to the demolition of 77 to 83 London Road.

The Conservation Officer advised that some harm (less than substantial) would be caused to the setting of Chalkwell House. If approved, the Conservation Officer requested conditions to secure:

- Formal recording 83 to 87 London Road prior to their demolition.
- Any repairs needed to the locally historically significant defensive looped wall to be carried out and interpretation measures installed.
- Details of materials.

4.12. **SBC Urban Design Officer** - Following receipt of amended and additional information, the Urban Design Officer advised that the applicant had responded positively to concerns raised in relation to the original proposals. The relationship with London Road was improved through a reduction in scale and through an increased set back with landscaping to the front that softens the hard edge.

Subject to conditions to secure details of materials, including samples, details of landscaping and landscape maintenance, external lighting and secure by design accreditation, no objection was raised.

4.13. **Mid Kent Environmental Health Officer** - In summary the Environmental Health Officer requested additional air quality information, which was subsequently provided. The final

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position of the Environmental Health Officer was that no objection was raised subject to conditions to secure:

- Remediation of potential contamination and to control impacts during the construction phase (construction management plan).
- The mitigation and recommendations in the air quality and noise assessments being delivered.

4.14. **Environment Agency** - No objection subject to conditions.

4.15. **Kent Police** - No objection subject to a condition to ensure the development meets Secure By Design Criteria. If approved, site security would be required for the construction phase.

4.16. **Natural England** – Advised that the Council as the Competent Authority must carry out a Habitat Regulations Assessment and Appropriate Assessment and adhere to the conclusions.

4.17. **SBC Affordable Housing** - In summary, the Affordable Housing Officer advised that 10% of the 20 newly proposed housing units should be affordable. With such a low number of affordable homes, it would be difficult to get a Registered Provider (RP) to take over the affordable homes. The Affordable Housing Officer advised therefore that 'First Homes' should be the affordable option (as this tenure doesn't rely on an RP).

4.18. **KCC Highways** - In summary, KCC Highways provided the following advice:

- Offsite highway works would need to be secured through a S278 agreement (including changes to access, footways and retaining walls).
- No objection to trip generation or impact to the highway in terms of traffic generation.
- A contribution of £36,000 is required towards recovering the HIF money associated with the Key Street highway improvement.
- Conditions should be imposed on any consent to secure:
 - Construction Management Plan.
 - Provision and retention of parking spaces. Parking spaces to be fitted with electric vehicle chargers.
 - Provision and cycle storage spaces.
 - Provision and maintenance of visibility splays and vehicle turning areas.

4.19. **Lower Medway Internal Drainage Board** – Raised no objection.

4.20. **NHS (Swale)** - A financial contribution would be required to cover the cost of capacity enhancements made necessary by the development in local health care facilities.

4.21. **Southern Water** - In summary, Southern Water advised that they require a formal application for a connection to the public sewer to be made by the applicant or developer. The Southern Water advice also recommended a number of informatives that should be included on any planning permission. A request was made for details of foul and surface water disposal to be approved before development commences.

4.22. **KCC Lead Local Flood Authority (LLFA)** - In summary the LLFA advised that:

- A geotechnical report is required to demonstrate that infiltration is not feasible.

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- If infiltration is not feasible then the discharge from all other impermeable areas to the combined sewer is acceptable.
- No objection subject to conditions.

4.23. **Kent County Council (KCC)** - In summary, KCC assessed the implications of the proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contributions.

4.24. **KCC Ecological Advice Service** - No objection subject to conditions being imposed on any consent to secure ecological mitigation and enhancement measures and a biodiversity enhancement strategy.

4.25. **Green Spaces Manager** – Required contributions towards capacity enhancements in off-site sports and open spaces.

4.26. **KCC Archaeology** – In summary KCC Archaeology advised that ground excavations could potentially impact archaeological remains of importance. Conditions should be imposed on any consent requiring appropriate archaeological investigation, preservation and recording, and well as recording of the existing houses on London Road.

5. DEVELOPMENT PLAN POLICIES

5.1. The following polices are relevant to the determination of the application.

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- **ST1** Delivering sustainable development in Swale.
- **ST3** The Swale settlement strategy.
- **CP 2** Promoting sustainable transport.
- **CP 3** Delivering a wide choice of high quality homes.
- **CP 4** Requiring good design.
- **CP 5** Health and wellbeing.
- **CP 6** Community facilities and services to meet local needs.
- **CP 7** Conserving and enhancing the natural environment – providing for green infrastructure.
- **CP 8** Conserving and enhancing the historic environment.
- **DM 6** Managing transport demand and impact.
- **DM 7** Vehicle parking.
- **DM 8** Affordable housing.
- **DM 14** General development criteria.
- **DM 17** Open space, sports and recreation provision.
- **DM 19** Sustainable design and construction.
- **DM 21** Water, flooding and drainage.
- **DM 24** Conserving and enhancing valued landscapes.
- **DM 28** Biodiversity and geological conservation.
- **DM 29** Woodlands, trees and hedges.

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- **DM 32** Development involving listed buildings.
- **DM 34** Scheduled Monuments and archaeological sites

National Planning Policy Framework (2023)

Supplementary Planning Documents

- KCC Developer Contributions Guide.
- Parking Standards (2020).
- Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020).
- Planting on new development – a guide to developers.
- Kent design – A guide to sustainable development (2000).
- Air Quality Technical Guidance (2021).
- A Heritage Strategy for Swale (2020).
- National Planning Practice Guidance

6. ASSESSMENT

6.1. This application is reported to the Committee at the request of Councillor Cheesman. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Archaeology
- Character and Appearance
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

6.2. Principle

6.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

6.2.2. The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the

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determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay.

- 6.2.3. The site formerly accommodated a dwelling (87 London Road), which was then converted into a care home. Local Plan Policy CP6 relates to community facilities and services to meet local need and in summary states that development proposals will, as appropriate safeguard existing community services and facilities (such as care homes) where they are viable or can be made so unless replacement facilities can be provided without leading to any shortfall in provision.
- 6.2.4. In this case, the care home had been owned by the NHS who sold the property approximately 10 years ago. The release of the site was part of the Public Sector Land Programme agreed by Parliament. The site was identified by the NHS as being surplus to requirements.
- 6.2.5. The building was subsequently damaged by fire and approval was given for demolition 2014. While there was a subsequent application to create another care home, the required S106 legal agreement was never finalised by the Applicant and the decision never issued. In 2022, there being no further progress the case was closed. Given the time past and situation overall, no objection is raised to the change of use from care home (community facility) to residential use.
- 6.2.6. In terms of the introduction of additional residential development at the site, it is noted that the site is within the built-up boundary of Sittingbourne. The Local Plan Policy ST1 (4) states that to deliver sustainable development in Swale, all development proposals will, as appropriate, accord with the Local Plan settlement strategy. Local Plan Policy ST3 (5) relates to the settlement strategy and states that the main Borough urban centre of Sittingbourne will provide the primary urban focus for growth, where development will support town centre regeneration and underpin the town's role as the principal centre.
- 6.2.7. Policy CP2 of the Local Plan relates to sustainable transport and directs development to accord with the settlement strategy being locations that minimise the need to travel for employment and services and facilitate sustainable transport. The proposal for an uplift in residential accommodation at the site accords with Policies ST1, ST3 and CP2 of the Local Plan.
- 6.2.8. It is noted that 4 residential dwellings would be demolished, however the development would introduce 20 new dwellings and bring 7 vacant existing dwellings back into use. There would be no net loss of residential accommodation. The proposals accord with Local Plan Policies ST1, ST3, CP2, and CP6, as such no objection is raised in principle to the development.

6.3. Size and Type of Housing

- 6.3.1. The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 6.3.2. The Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs and the Strategic Housing Market Assessment. The proposed mix of housing is set out below:

Tenure	1 Bed	2 Bed	3 Bed	Total
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Market	14	8	3	25
Affordable	1	1		2
Total	15	9	3	27

- 6.3.3. The supporting text to Local Plan Policy CP3 sets out requirements for market and affordable housing by size. The table below shows the requirements set out in supporting text for Local Plan Policy CP3 and how the proposal compares with this.

Tenure – Local Plan	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	36%	42%	15%	100%
Market Proposed	56%	32%	12%	0%	100%
Affordable Required	8%	20%	36%	36%	100%
Affordable Proposed	50%	50%	0%	0%	100%

- 6.3.4. The Council's Housing Market Assessment (HMA) was prepared in 2020, i.e., more recently than the Local Plan, and after the introduction of the standard method for calculating the objectively assessed need. As such officers have considered the proposed mix against that set out in the HMA.

Tenure - HMA	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	33%	41%	19%	100%
Market Proposed	56%	32%	12%	0%	100%
Affordable Required	27%	23%	30%	20%	100%
Affordable Proposed	50%	50%	0%	0%	100%

- 6.3.5. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be remembered that this reflects the Borough wide need.
- 6.3.6. In terms of the affordable tenure, advice from the Council's Affordable Housing officer is that evidence from the housing register shows that in Sittingbourne there is considerable demand for 1 and 2 bed dwellings. Given this localised knowledge of demand no objection is raised to the size of affordable dwellings.
- 6.3.7. In terms of the private housing (market tenure), the proposal would deliver a greater proportion of 1 bed dwellings and fewer 3 and 4 bed dwellings than is indicated as being required by the supporting text to Policy CP3 or the HMA (2020).
- 6.3.8. Again, it is noted that the mix of dwellings set out in the HMA and Policy CP3 is borough wide and does not take account of localised differences in market housing need. To account for localised differences, local housing market areas have been established which relate to specific postcode evidence. For the town of Sittingbourne, the supporting text to Local Plan Policy CP3 states that Sittingbourne has the opportunity to provide a mix of quality housing types and unit sizes. Prices are affordable and there are reasonable levels of demand from a range of consumers.

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- 6.3.9. In terms of consumers, the Local Plan and the HMA (2020) both identify that the highest forecast increases in the number households over the plan period will be one person and lone parent households (there is a growing demand for 1 bed and 2 bed dwellings).
- 6.3.10. Given the location of the site within Sittingbourne, along with evidence from the housing register (for demand for smaller flats), as well as expected increases in one person and lone parent households, it is considered that the proposed mix would provide an acceptable mix of quality housing types and unit sizes in Sittingbourne (in accordance with parts 1 and 2 of Policy CP3 of the Local Plan).
- 6.3.11. The proposal would bring vacant homes back into use and provide an acceptable level of affordable housing and accessible housing in accordance parts 4, 5, 6 and 7 of Policy CP3 of the Local Plan.
- 6.3.12. Officers have taken account of the context in which the site is set, policy requirements, the HMA, the housing register, the local housing market areas and overall analysis shows that the proposal to broadly complies with Local Plan Policy CP3.

6.4. Affordable Housing

- 6.4.1. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Through Policy DM8, the Local Plan requires 10% of dwellings proposed in Sittingbourne to be delivered as affordable housing.
- 6.4.2. The development involves 20 new homes, which means 2 dwellings should be dedicated as affordable housing. The application proposes 1 x one bed flat and 1 x two bed flat (10% of dwellings would be affordable in accordance with Policy DM8 of the Local Plan).
- 6.4.3. The affordable housing would be indistinguishable from market housing in terms of design, materials and access to open space.
- 6.4.4. The HMA (2020) and Policy CP3 of the Local Plan set out the way in which overall affordable housing should be apportioned between different affordable housing products. However, in this case only 2 dwellings would be required to be delivered as affordable (it becomes impractical to apportion such a low number of dwellings to multiple different tenures).
- 6.4.5. Concern was raised by the Affordable Housing Officer that Registered Providers (RP) would be highly unlikely to take on such a small number of dwellings. This issue has arisen on a number of development sites, as such it is prudent to provide for such a situation.
- 6.4.6. Local Plan Policy DM8 (part 5) states that where no RP is available, the full affordable housing provision requirement will be cascaded to another provider and/or site or via a commuted sum. The Council's the Affordable Housing Officer advised that in this case it is not preferable to take a commuted sum or look to deliver affordable housing on another site (there being no identified sites to direct funding or housing to), rather in this case, given the low number of dwellings required to be in the affordable tenure, the preference is that the affordable housing product be one which does not rely on an RP.
- 6.4.7. The Affordable Housing Officer advised that the tenure should be First Homes (an affordable housing product that doesn't involve an RP). First Homes are a specific kind

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of discounted market sale housing and meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;*
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);*
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,*
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.*

- 6.4.8. First Homes are the Government's preferred discounted market tenure. The applicant has agreed to provide the affordable dwellings as 'First Homes'. This approach doesn't involve a commuted sum of delivery of the required affordable housing on another site (i.e., not clearly aligned with Policy DM8 (part 5)). However, in view of the limited number of affordable dwellings, advice from the Affordable Housing Officer and taking account of the situation overall, no objection is raised.
- 6.4.9. The First Homes would be secured as a planning obligation as part of any planning permission. Subject to this the application would accord with Local Plan Policy DM8.

6.5. Landscape and Visual

- 6.5.1. Local Plan Policy ST1 relates to delivering sustainable development in Swale and states (part 11) that the policy seeks to conserve and enhance the natural environment. Policy DM14 sets out general development criteria. Part 6 of this Policy refers to the desirability of conserving and enhancing the natural environment. Policy DM24 states that non-designated landscapes will be protected and enhanced.
- 6.5.2. The site is within the built-up area of Sittingbourne, set sufficiently far from the countryside and areas of high landscape value that there would be no harmful impact. The application accords with Local Plan Policy ST1, DM14 and DM24.

6.6. Heritage

- 6.6.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.6.2. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale's designated heritage assets. The policy states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity.
- 6.6.3. Policy DM32 relates to development involving listed buildings and states that development proposals affecting a listed building or its setting will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

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- 6.6.4. The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that 'preserving' in s.66 means 'doing no harm'.
- 6.6.5. In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.
- 6.6.6. The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.6.7. The following heritage assets have been identified as being impacted by the proposal:
- Chalkwell House (Grade II Listed Building),
 - Numbers 77 – 83 London Road (non-designated heritage asset),
 - Loopholed wall (defensive fortification) on Borden Lane (non-designated heritage asset),
 - 1 Borden Lane (non-designated heritage asset).
- 6.6.8. Chalkwell House is a Grade II Listed Building located on the south side of London Road, on the corner of Borden Lane, approximately 25m southeast of the application site. Chalkwell House is assessed to be a heritage asset of high significance as a building of special heritage interest, reflected in strong and coherent survival of key factors.
- 6.6.9. Chalkwell House is set back from Borden Lane and is screened to the west by mature planting in its garden. The impact from the proposed development would be to the setting of the house and the impact would be barely distinguishable from baseline conditions (less than substantial harm at the lower end of the spectrum).
- 6.6.10. For 77 – 83 London Road, the primary heritage interest stems from their age and survival. Built prior to 1799, these cottages would most likely have housed members of the agricultural labouring class and their families. The historic interest means these buildings have been identified as non-designated heritage assets. The heritage interest of these buildings is degraded as a result of modernisation work, resulting in little or no surviving heritage legibility (low significance).
- 6.6.11. The application seeks approval for the demolition of the non-designated heritage assets at 77 to 83 London Road. This would be direct harm to the non-designated heritage assets.
- 6.6.12. Bounding the eastern elevation of 77 London Road, is a brick wall that features WWII defensive gun loops. This is a remnant of an iconic period of British history, and therefore this is a Locally Listed feature (high significance). The applicant proposes to protect the wall and provide an interpretation board to explain its history (no adverse impact).
- 6.6.13. The dwelling at 1 Borden Lane is a two-storey cottage of mid-19th century origin and located on the entrance to Chalkwell House, 1 Borden Lane is assessed as having a low to medium significance in heritage terms (non-designated heritage asset). In terms of

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impact to 1 Borden Lane, the proposal is for residential development, and the closest element, Block C, is limited in height, so the visual impact to views from 1 Borden Lane would be limited.

- 6.6.14. Clear and convincing justification is required by NPPF paragraph 206 for any harm to the significance of a designated heritage asset (in this case the harm would be to the setting of Chalkwell House). Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 amount to a statutory presumption against development that would harm the significance of a listed building.
- 6.6.15. The second step is therefore to balance that harm against the public benefits of the scheme, applying the requirements of NPPF paragraph 208 in the case of less than substantial harm.
- 6.6.16. For designated heritage assets, the balancing exercises required by NPPF is not a simple unweighted exercise in which the decision-maker is free to give heritage harm whatever degree of weight they wish. In Barnwell Manor the Court of Appeal identified that the decision-maker needed to give “considerable importance and weight” to any finding of harm to a listed building or its setting in order properly to perform the section 66 duty.
- 6.6.17. The presumption against development that would harm the significance of a listed building (including its setting) can be outweighed, but only if there are material considerations (which include a proposal’s public benefits) that are strong enough to do so.
- 6.6.18. The decision-maker needs to ensure that they give considerable importance and weight to any harm to the significance of a designated heritage asset, and ensure that the more important the asset, the more the weight that is given to the harm in the balancing exercise.
- 6.6.19. Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining any planning application. In weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.6.20. Unlike designated heritage assets, the balancing exercise for non-designated heritage assets is straightforward weighing of benefits and harms.
- 6.6.21. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF. Benefits are discussed below:
- 6.6.22. The development would bring forward jobs and spending during the construction phase. Paragraph 85 of the NPPF advises that **significant weight** should be placed on the benefit a scheme offers in supporting economic growth and productivity.
- 6.6.23. The proposed development would be of a design that would positively respond to its surroundings. Conditions are recommended to ensure materials are well considered. The proposed soft landscaping would help to soften the appearance of the development and assist in relating it to the surrounding landscaping. **Moderate weight** can be given

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to the contribution the development would make to enhancing the appearance of the area, including through landscaping and good design.

- 6.6.24. The proposal would bring a brownfield site back into use, within the settlement of Sittingbourne, for homes. The proposal would also support remediation of contaminated land. Paragraph 124 of the NPPF states that **substantial weight** should be given to these benefits.
- 6.6.25. The proposal includes delivering housing including affordable housing in an accessible location within the built-up area of Sittingbourne. The Council doesn't have a 5-year supply of housing, the proposal would contribute to housing supply and **significant weight** can be afforded to this benefit.
- 6.6.26. The proposed development has been designed in accordance with sustainability principles, it would achieve more than the minimum Biodiversity Net Gain requirements and include measures to offset carbon. Block B is to be refurbished and measures would be included to improve the environmental performance of that existing building. **Moderate weight** has been afforded to this benefit.
- 6.6.27. Officers have been mindful of the statutory duty and have placed great weight and importance on the fact that less than substantial harm would be caused to the setting of Chalkwell House, and that non-designated heritage assets (i.e., the dwellings at 77 to 83 London Road) would be lost and the setting of 1 Borden Lane would be impacted. However, in this case the benefits are considerable and clearly outweigh the harm. Officers are of the view that the proposals comply with Local Plan Policy CP8, DM32, DM33 and the provisions of the NPPF.

6.7. Archaeology

- 6.7.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 6.7.2. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 6.7.3. Analysis of the available archaeological data has suggested that there is a medium potential of encountering complex or significant archaeological remains during the proposed development. These would most likely be remains of a Bronze Age field system or from the remains of the Chalkwell Cornmill. The potential remains may be of Medium Significance.
- 6.7.4. The proposed development would require the excavation to create foundations and a basement. This would have the potential to damage or disturb underlying archaeology. The impact would be localised within the footprint of the specific proposed buildings.
- 6.7.5. The proposal would also involve excavation of trenches for the provision of services and utilities. Again, impacts would be localised. There would be a degree of earth moving for landscaping and levelling and have the potential for the disturbance of underlying archaeology.

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6.7.6. Due to the Medium potential for the survival of archaeological remains, it is recommended that a program of archaeological evaluation be carried out. This work should seek to define the date, character, state of preservation and the extent of the archaeological resource with the proposed site limits. The evaluation of the site should be secured by way of a planning condition on any consent (requiring a suitable project design / written scheme of investigation). Depending on the results, further archaeological mitigation could be required.

6.7.7. The application was referred to the KCC Archaeological Officer who advised that subject to conditions to secure the above no objection is raised. The relevant conditions are recommended and subject to this the application would accord with Local Plan Policy DM34.

6.8. Character and appearance

6.8.1. The NPPF attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

6.8.2. Policy CP4 of the Local Plan requires good design and states that development proposals will enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place.

6.8.3. The Policy goes on to highlight that development proposals should be appropriate to the context in respect of materials, scale, height and massing.

6.8.4. Policy DM14 of the Local Plan states that development proposals will as appropriate reflect the positive characteristics and features of the site and locality.

6.8.5. Block B has already been constructed and it is proposed to retain this building. Whilst it is proposed to be refurbished the built form would be as existing.

6.8.6. Block A is proposed towards the southern end of the site, and would have a stepped form, lowering in height towards 2 Borden Lane. At its closest point (in relation to 2 Borden Lane) Block A would be 2-storeys in height, and subservient to the height of the neighbouring dwelling. Block A then sets away from 2 Borden Lane and rises to 3-storeys, a further set back is then introduced and the building rises to 4-storeys. The modulation of the built form means there would be an acceptable visual relationship with neighbouring property and responds in an acceptable way to initial concerns raised by the Urban Design Officer in relation to massing.

6.8.7. In terms of materiality, the lower portions of Block A would be brick, and upper portions in render.

6.8.8. Block C is a 3-storey building that would front London Road. In response to initial concerns about how the building addresses London Road, the form of the block has been modulated and set back. The proposed block is set back further than the frontage of the existing dwellings on the site (at 73 to 87 London Road), which means space between the foot way and built form would increase (a wider footway is to be introduced), which is considered an improvement over the existing situation.

6.8.9. In terms of materiality, as with Block A, the lower portions of the Block C would be brick, and upper portions in render. Block C is sited on a part of the site which slopes down from the west to the east (and slopes upward from the north to south). The design works

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with the gradient of the site and includes undercroft parking to the rear (southern) part of the ground floor.

- 6.8.10. The local context includes a number of developments that are of 3-storeys or more in height. The proposed layout of Block C enables an active frontage to be retained onto London Road whilst the location and position of Block A (towards the southern end of the site) reduces the visibility of this block from Borden Lane.
- 6.8.11. A more contemporary architectural style has been applied, with a flat roof form and more linear planes to the elevations. Adopting a more contemporary architectural style has allowed for the buildings to be redesigned to provide more appropriate form and reduced massing.
- 6.8.12. Bin and bike stores are proposed. For Block A, bicycles would be stored in the basement, for Block C cycle storage is proposed under the covered undercroft. Cycle storage for Block B is proposed externally. Bin stores are proposed to be clad with wood and feature green roofs. No objection is raised in relation to the appearance of bin, cycle stores or car port.
- 6.8.13. The application was referred to the Council's Urban Design Officer who raised no objection subject to conditions being imposed on any planning permission to ensure the final detail of landscaping and materials are acceptable.
- 6.8.14. The relevant conditions are recommended and subject to these the development would accord with Local Plan Policies CP4 and DM14.

6.9. Trees

- 6.9.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through Policy DM29 of the Local Plan.
- 6.9.2. The existing trees growing along the northern boundary of the site adjacent to the petrol station are of value for the local landscape. The current proposals incorporate these trees into the design so they would be retained and protected.
- 6.9.3. One individual tree and one tree group are proposed to be removed to facilitate the proposals. These trees have been assessed as category C specimens of low quality and low amenity value.
- 6.9.4. The tree removal is required to create the access road improvement works and new parking bays, refuse store and turning head. To mitigate the loss of the trees, the landscape plan shows that 19 new trees will be planted.
- 6.9.5. The landscape plans also include a range of hedging, shrub planting and mixed turfing/seeding. As the proposed new planting establishes it would progressively make a positive contribution to the age and species diversity of trees in the area, the extent of local canopy cover and the amenity of the locality would improve.
- 6.9.6. The proposed foundations and basement parking access ramp for apartment Block A are to be located adjacent to the root protection areas of two trees. Specialist plant machinery would be required to create a pile wall to avoid over excavation in root protection areas. This would need to be secured as a condition on any planning permission.

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6.9.7. Subject to the tree protection measures recommended within the Arboricultural Method Statement the proposals would not cause any unacceptable impact on the amenity of the locality in so far as it is contributed to by trees. The application complies with Local Plan Policy DM29.

6.10. Ecology

- 6.10.1. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity"*.
- 6.10.2. Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 6.10.3. The application is supported by a Preliminary Ecological Appraisal, a Phase 2 Ecological Survey Report and a Biodiversity Net Gain Design Stage Report. The information accurately sets out the likely impacts on designated sites, protected and priority species and habitats and that with appropriate mitigation measures secured, the development can be made acceptable in terms of protected species.
- 6.10.4. Whilst no bats were found during surveys, to ensure the proposal does not result in the loss or degradation of bat foraging and commuting habitat or sever important commuting routes or obstruct access between potential bat roosts and important foraging habitats; a lighting mitigation strategy is required to prevent harm to wildlife. Subject to the mitigation being secured by way of a condition on any planning permission, no objection is raised in terms impacts to bats.
- 6.10.5. The Phase 2 Ecological Survey Report identified that a single species of reptile, namely 'Anguis fragilis' (slow worms), was recorded within the site. The slow worms recorded were observed within the areas of scrub and grassland within the western part of the site.
- 6.10.6. The population of slow worms on site is low, which means that the site does not meet the registered criteria for a Key Reptile Site. The western part of the site is to be dedicated as a wilderness area for reptiles (not part of the useable amenity space for future residents). In addition, the following mitigation measures are proposed:
- Installation and maintenance of artificial bat bricks or bat tubes into new buildings and installation of bat boxes on to suitable retained trees.
 - Installation and maintenance of artificial bird nest boxes onto any retained trees and new buildings on site.
 - Incorporation of a 'Beebrick' into each new building.
- 6.10.7. The Biodiversity Net Gain Design Stage Report confirms that the development would achieve 27.87% net gain in biodiversity. The proposals accord with Policies CP7 and DM28 of the Local Plan.

Appropriate Assessment

- 6.10.8. This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Medway Estuary and

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Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

- 6.10.9. SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 6.10.10. The proposal is for residential development and future occupiers may visit the protected site for recreational purposes (creating recreational pressure). Therefore, the proposal has the potential to affect the Medway Estuary and Marshes SPA's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 6.10.11. In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.
- 6.10.12. The judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area,
"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."
- 6.10.13. The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between NE and the North Kent Environmental Planning Group.
- 6.10.14. However, the proposed development is of a small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA. Notwithstanding this, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.
- 6.10.15. Due to the size of the site, there is no scope to provide on-site mitigation such as an on-site dog walking area. Based on the correspondence with NE, off-site mitigation is required.
- 6.10.16. In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. Officers have been mindful that there are 4 occupied dwellings at the site in

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calculating the tariff required. In this case a financial contribution of £7,223.15 is required.

- 6.10.17. Subject to mitigation (to be secured as a planning obligation), there would be no adverse effect on the integrity of the SPA and the development would comply with Local Plan Policy DM28.

6.11. Transport and Highways

- 6.11.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 6.11.2. The NPPF at paragraph 115 also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 6.11.3. Local Plan Policies CP2 and DM6 promote sustainable transport through utilising good design principles. Policy DM6 sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

- 6.11.4. The site is located in a sustainable location within the settlement boundary of Sittingbourne being walkable to the town centre and train station and is suitable for residential development.

- 6.11.5. The access road onto London Road would be improved as part of the development. This is achieved through the proposed demolition of 77-83 London Road to provide a new building (Block C) set further back from the A2/London Road. This allows an access to be created which would allow cars to enter/exit the site at the same time as well as a dedicated pedestrian route into the site.

- 6.11.6. Highway boundary data has been obtained and confirms that the steps up to the entrance to 77-83 London Road are within the land owned by the applicant. The proposal involves alterations to allow the footway to the front of 77-83 London Road to be extended and widened to achieve 2.5m width.

- 6.11.7. A visibility splay is also proposed so that drivers of vehicles entering and leaving the site have appropriate sightlines. A dedicated pedestrian crossing point over the driveway entrance to the site is proposed with tactile paving to direct pedestrians to cross in appropriate locations (and on the desire line).

- 6.11.8. The application was referred to KCC Highways who requested further information in relation to swept path analysis and to ensure parking spaces in the proposed car ports would be large enough. The further and revised information was provided and KCC Highways advised that the details are acceptable.

- 6.11.9. In relation to car parking, KCC Highways advised that the parking provision is acceptable, and this has been accompanied with swept path drawings which demonstrates there is sufficient manoeuvring space. The proposals include 24 parking

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spaces for future residents, in addition 2 visitor car parking spaces are proposed. Secure cycle storage for 30 bicycles is proposed and parking for 3 motor bikes is also included.

- 6.11.10. The Transport Statement accompanying the application considered the Council's parking standards and local car ownership rates in establishing the proposed number of car parking spaces.
- 6.11.11. Concerns have been raised in the consultation responses from residents that on-street parking in the area near the site is under pressure and therefore the development has the potential to worsen the situation. Whilst it is acknowledged that there are limited on street parking restrictions, the site is within walking distance of the town centre and railway station. There is a bus stop close to the site entrance on London Road. No objection has been raised by the Highway Authority in relation to the proposed parking (which includes parking for car, motor bikes and bicycles), while concerns raised in neighbour objections to parking are acknowledged, in this case the proposed parking provision has been justified and considered to be in accordance with the Council's Parking Standards.
- 6.11.12. If approved, conditions should be imposed on any planning permission to ensure parking spaces are allocated appropriately to the new dwellings, and that the spaces are maintained for the life of the development. A Residential Travel Plan is also recommended to implement a package of measures designed to reduce the number of car journeys from the development through supporting sustainable modes of transport. This is to be secured as part of the s106 as set out in section 6.13 below.
- 6.11.13. In terms of trip generation and traffic congestion, the Transport Statement uses appropriate methods to establish trip rates and then established a baseline for existing traffic on the network, and anticipated traffic levels when the development could be occupied. The analysis shows that the development is expected to result in a negligible impact on the local highway network and certainly not a "severe" impact.
- 6.11.14. The KCC Highway Officer advised that based on the expected proportion of vehicle trips generated from the development that could be expected to travel through the Key Street roundabout a contribution of £36,000 is required towards recovering the HIF money associated with the Key Street highway improvement.
- 6.11.15. Subject to conditions and planning obligations (which are recommended) the proposal would comply with Local Plan Policies CP2, DM6 and DM7.

6.12. Air Quality

- 6.12.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 6.12.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.

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- 6.12.3. The Planning Practice Guidance on Air Quality (paragraph 005 Reference ID 32-005-20191101 states that:

“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”

- 6.12.4. The Local Plan at Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 6.12.5. The applicant has undertaken an Air Quality Assessment in support of this proposal, this sets out the likely sources of air quality impacts during the construction and operational phases, subject to conditions to control dust during construction, impacts could be mitigated.
- 6.12.6. Modelling of emissions from traffic associated with the proposal was undertaken and the results show that air quality would remain within the relevant air quality standards with the development. From a technical standpoint the analysis in the Air Quality Assessment shows that traffic emissions would not be ‘significant’ (below the threshold for mitigation).
- 6.12.7. The Air Quality Assessment was referred to the Environmental Health Officer who accepted the findings. Subject to conditions to ensure dust created during the construction period was appropriately controlled, no objection was raised.
- 6.12.8. The Air Quality Assessment also modelled how future residents may be impacted by air quality and levels would be within Air Pollution Exposure Criteria ‘A’ (this is the criteria where air quality would not provide a ground for refusal).
- 6.12.9. Relevant conditions are recommended and subject to these the application would accord with Local Plan Policy DM6.

6.13. Community Infrastructure/Planning Obligations

- 6.13.1. The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. This is reflected in Policies CP5 and CP6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.
- 6.13.2. As with any planning application, any request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:
- Necessary.
 - Related to the development.
 - Reasonably related in scale and kind.

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6.13.3. The following table outline the financial and other planning obligations that have been sought by Kent County Council and Swale Borough Council and other relevant consultees to mitigate the impact of the development upon services, these obligations are for specific projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

Requirement	Value	Towards
Ecology		
SAMMS payment	£7,223.15	North Kent Strategic Access Management and Monitoring Strategy.
Affordable housing		
	2 dwellings	First Homes
KCC		
Secondary Education Contribution	£20,952	Towards a new Secondary School
SEND Build	£2,099.40	SEND contribution to be applied towards additional places in Swale district
Community Learning	£547.36	Additional equipment and resources at Adult Education Centres including at Sittingbourne and outreach provision to increase capacity in the service.
Integrated Children's Service	£1,184.80	Additional resources and equipment to provide outreach services in the vicinity of the development.
Library Book stock	£1,002.08	Additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including at Sittingbourne.
Adult Social Care	£2,894.08	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).
Waste	£3,106.08	Towards additional capacity at the Sittingbourne HWRC & WTS.

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Bins	1 x 1100ltr refuse bin per 5 flats @ £903.60 per bin 1 x 1100ltr recycling bin per 5 flats @ £903.60 per bin 1 x 140ltr food bin per 5 flats @ £82.20 per bin 1 x 5ltr kitchen caddy per flat @ £10.80 (added). Total £10,494.36	Waste and recycling storage
Open space and sport		
Sport and open space	Formal Sports contribution - £681.81 per applicable dwelling. £15,681.63 Play, young people space contribution – £512.80 per dwelling. £11,794.40	Local areas of open space and play space, space for children and sports facilities
Highways		
Highways and transportation	Highway Authority will seek a contribution of £36,000 based on the recovery formula being applied to planning proposals.	Planned highway capacity improvements at the Key Street roundabout.
Highways and transportation	Residential Travel Plan	Promoting sustainable forms of travel
NHS		
Health	Total £13,708	Towards refurbishment, reconfiguration and/or extension of London Road Surgery and/or The Chestnuts Surgery and/or The Meads Surgery and/or Grovehurst Surgery and/or Greenporch Partnership Milton Regis Surgery and/or The Memorial Medical Centre and/or towards new healthcare facilities within the Sittingbourne area. The obligation should also include the provision for the re-imbursment of any legal costs in incurred in completing the agreement.
Monitoring fee	5% of financial contributions	Monitoring of the legal agreement.

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6.13.4. Officers have been mindful of the fact that there are 7 existing dwellings on site that are to be retained. A further 4 existing properties would be demolished. Officers have made an allowance for this in making sure the contributions are proportional to the additional impact of the development. Subject to securing the obligations, the application would accord with Policies CP5, CP6, DM8, DM17 and DM28 of the Local Plan.

6.14. Open Space

6.14.1. Local Plan Policy CP7 requires developments to promote the expansion of Swale's natural assets and green infrastructure. Policy DM17 of the Local Plan sets out that new housing development should make provision for appropriate outdoor recreation and play space proportionate to the likely number of people who will live there. This space should be fully accessible all year round.

6.14.2. The policy recognises that in some cases (such as smaller sites) it may not be appropriate to make provision for new open space and sports facilities on-site, make contributions to the off-site funding of facilities to meet local deficiencies or to the qualitative or quantitative improvement of existing provision.

6.14.3. On the site there is a communal amenity area west of Block A which would provide approximately 600sqm of external amenity for future residents. Further areas of open space and landscaping are proposed around the buildings.

6.14.4. Whilst more space could be provided, this has been reserved as a wildlife habitat area for protected species (slow worms) towards the western end of the site.

6.14.5. Balconies are also proposed. There are areas of flat roof, however these are proposed to be used as either green roof area or areas where solar voltaic panels would be located.

6.14.6. Policy DM17 of the Local Plan sets out various open space typologies and the amounts of space that would be required for residential development.

Typology	Policy DM17 requirement (ha per 1,000 person)	Scheme requirement (ha)	Proposed (ha)	Short fall (ha)
Parks and gardens	1.1	0.04	0	0.04
Natural and semi natural greenspace	4.36	0.17	0.18	No
Formal outdoor sport	1.09	0.04	0	0.04
Amenity Greenspace	0.45	0.02	0.06	No
Provision for children and young people	0.24	0.01	0	0.01
Formal Play facilities			off site	
Allotments	0.2	0.01	0	0.01

6.14.7. As the table above shows, there is a shortfall in the following open space typologies:

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- Parks and gardens,
- Formal outdoor sport,
- Provision for children and young people,
- Formal play facilities, and
- Allotments.

- 6.14.8. Given the size of the site, parks, gardens, outdoor sport, provision for children and play space and allotments are not proposed on site. Policy DM17 of the Local Plan states that where provision for new open space and sports facilities on site isn't provided, contributions to off-site funding can be made.
- 6.14.9. The Council's Green Spaces Manager advised that financial contributions are required to ensure provision for formal sport, provision for children and young people, formal play facilities have sufficient capacity to cope with the future population living on site.
- 6.14.10. Officers have taken account of the fact that there are existing dwellings on the site. A financial contribution of £27,476.03 would be required.
- 6.14.11. There is publicly accessible open space approximately 100m to the east of the site (off Johnson Road), where funding can be directed to enhance the capacity of the park. Formal sporting facilities also exist in Sittingbourne (where funding can be directed to increase capacity to cope with additional population living in the scheme).
- 6.14.12. There would still be a shortfall on site for parks, gardens and allotments, in view of funding that would be directed to open space and play space in the nearby park (off Johnson Road) this could contribute towards wider enhancements of the park, no objection is raised in terms of the shortfall of on-site parks and gardens.
- 6.14.13. There are existing allotments at Homewood Road, and Staplehurst Road, which are in relative proximity to the site, it is considered these sites can provide suitable local provision.
- 6.14.14. Taking account of the on-site proposals and the proximity of existing public open space and subject to a planning obligation to fund capacity enhancements sufficient to cater for the uplift in residents that would be living on the site, the proposal would accord with Policy DM17 of the Local Plan.

6.15. Flood Risk, Drainage and Surface Water

- 6.15.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM21 of the Local Plan.
- 6.15.2. The entire site is located in Flood Zone 1, which is the zone with the lowest probability of fluvial/tidal flooding, and access can be achieved from the adjacent road networks, that will be free from fluvial/tidal flooding.
- 6.15.3. Part 4 of Local Plan Policy DM21 states that development should include where possible, sustainable drainage systems (SuDS) to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling.

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- 6.15.4. The application is accompanied by a drainage strategy, which proposes to manage the surface water from the impermeable areas of the site through discharging it at a rate of 5l/s into the existing combined sewer.
- 6.15.5. The strategy has assumed that infiltration will not be viable due to risk from soluble rocks and the area being within a high groundwater vulnerability zone. The KCC LLFA has advised that whilst there are concerns around soluble rocks and groundwater vulnerability, further studies should be undertaken to demonstrate that infiltration is not feasible.
- 6.15.6. No objection has been raised to flood risk or drainage proposals by the Environment Agency or the KCC LLFA.
- 6.15.7. The KCC LLFA recommended a condition be imposed on any planning permission to secure a detailed sustainable surface water drainage scheme (to include further feasibility testing of infiltration). Further conditions should be imposed on any planning permission to verify that the drainage strategy (once implemented) actually functions as proposed. Subject to these conditions (which are recommended) the application would accord with Local Plan Policy DM21.

6.16. Contamination

- 6.16.1. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 6.16.2. The Applicant has submitted a contamination assessment along with the application. This identifies that the main potential contamination sources on the site are from the probable asbestos roofing on several of the existing structures, gas canisters and several waste containers.
- 6.16.3. Further investigation for asbestos is required, along with remediation and removal if found.
- 6.16.4. A petrol station located adjacent to the site to the north stands as a potential off-site contamination source. However, the petrol station is at a lower elevation than the site and appears to be in good upkeep (there is a low risk that the site has been contaminated due to the petrol station).
- 6.16.5. The historic and current use of the site as housing is considered to be a Low/Moderate risk as a potential contamination source to off-site occupiers, future occupiers and construction workers.
- 6.16.6. The future use of the site as several residential structures, parking space and open land is considered to be a low risk for causing contamination to on or off-site users.
- 6.16.7. The actual presence of contamination in, on, or under the ground can only be confirmed by an intrusive site investigation. An intrusive site investigation, with analysis of soil samples, would confirm whether the site comes with a legacy of land contamination due to its historic uses. Subject to conditions to secure further testing and a remediation strategy should it be required, the application would accord with paragraph 189 of the NPPF and no objection is raised.

APPENDIX C**6.17. Living Conditions**Existing residents

- 6.17.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Local Plan Policy DM14 sets out general design criteria and states in part that that all development proposals will be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. The policy also requires proposals to cause no significant harm to amenity and other sensitive uses or areas.
- 6.17.2. Construction activities generate noise and disturbance with the potential to harm the living conditions of existing residents. Conditions are recommended to secure a Construction Management Plan to mitigate impacts during construction.
- 6.17.3. Most of the proposed development is set well away from existing residential occupiers, however there are instances where there are close adjacencies, specifically where the site adjoins 2 Borden Lane.
- 6.17.4. The proposed southern elevation of Block A would be set back from the dwelling at 2 Borden Lane by approximately 6.5m. Whilst the set back is limited it is noted that there is a single window at ground floor level in the northern (side) elevation of 2 Borden Lane facing the application site. Windows in the proposed new building are proposed to be obscure glazed where they would directly face towards the side elevation of 2 Borden Lane. This would ensure there would be no undue loss of privacy of the dwelling at 2 Borden Lane.
- 6.17.5. As Block A increases in height, the massing is set back away from 2 Borden Lane, which improves the visual relationship between the buildings and reduces the bulk of the new block when viewed from the neighbouring property.
- 6.17.6. Block A extends approximately 18 beyond the rear of the dwelling at 2 Borden Lane, as Block A extends rearward, it also sets back away from the side (northern) elevation, such that the proposal is approximately 13m from the northern boundary with the rear garden of 2 Borden Lane. The set back and modulation of the proposed building (as it approaches the edge of the site) help to ensure there would be no overly dominant impact.
- 6.17.7. Given the position of the proposed Block A in relation to 2 Borden Lane, and the orientation and path of the sun, there would be no undue loss of sunlight or daylight to the existing building or to the rear garden.
- 6.17.8. Subject to conditions to control construction impacts and to ensure relevant windows are obscure glazed the proposal would accord with Local Plan Policy DM14, as such no objection is raised in terms of impacts to living conditions of existing occupiers.

Future residents

- 6.17.9. Policy DM14 of the Local Plan provides general development criteria and requires that development does not result in significant harm to amenity (including that of future occupiers of development).

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- 6.17.10. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 6.17.11. New residential development should generally provide dual-aspect accommodation and overlooking between dwellings on the site (as well as to neighbours) should be avoided.
- 6.17.12. The proposed new dwellings in Block A are dual aspect and the distances between proposed properties achieves at least 21m separation between facing windows. Flats in Block C would all be dual aspect.
- 6.17.13. The rear (southern) elevation of Block C would be approximately 8m from the northern elevation of Block B. However, there are no habitable room windows in the northern elevation of Block B and as such there would not be an opportunity for overlooking.
- 6.17.14. It is acknowledged that 4 of the flats to be retained in Block B would be single aspect, however none are single aspect north facing and as such would still receive good levels of natural light, and in view of the fact this is an existing situation, no objection is raised.
- 6.17.15. The Technical housing standards – nationally described space standard (2015) sets out internal space standards for new dwellings. All of the newly created dwellings would comply with relevant nationally described space standards.
- 6.17.16. There are 2 existing flats in Block B which do not meet the space standards, however looking at the situation, in some cases the shortfall is minor (e.g., approx. 1sqm) and officers acknowledge that this is an existing situation. In addition, the units are considered to be of a configuration that allows for adequate furniture to be accommodated and day-to-day activities within the units. The Borough has not adopted the Technical housing standards and taking account the fact that all new dwellings would comply, no objection is raised.
- 6.17.17. The flats all benefit from access to communal (external) amenity space. At the lower levels of Block C, rather than featuring balconies, the internal floor space is more generous. At the upper levels of Block C, the built form has been set back and balconies are proposed. The ground level changes around Block C mean that the ground floor flats would not be easily overlooked from London Road or the access road into the site.
- 6.17.18. The ground levels around Block A are more level, and it would be possible for overlooking of the ground floor flats to occur from external amenity space, as such a condition should be imposed on any planning permission to ensure there is a sufficient barrier (such as a railing and landscaping) between communally accessible amenity space and ground floor windows in Block A.
- 6.17.19. The ground floor habitable room windows of flats in the northern elevation of Block would look out over a landscaped area (but not an area used for external amenity space), these windows would not be overlooked by those using the external amenity space.

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6.17.20. It is noted that it is proposed to have landscaping to the front of the main living room windows in flats 2 and 3 of Block A, this would provide a buffer between residents using external amenity space and occupants of flats 2 and 3 of Block A.

6.17.21. In conclusion, subject to conditions, the application is considered to accord with Local Plan Policy DM14 and as such no objection is raised in relation to living conditions of existing or future residents.

6.18. Sustainability / Energy

6.18.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. The Council requires residential developments to include a renewable energy assessment, and energy and carbon reduction proposals are set out in the Applicant's submission.

6.18.2. It is proposed that the new build elements of the scheme are designed with a 'fabric first' approach to accord with sustainable construction methods. The proposed scheme aims to achieve a high sustainability performance through the following means:

- Minimise energy consumption through passive design.
- Maximise daylight whilst minimising unwanted solar gain.
- Create visually, thermally and acoustically comfortable environments.
- Employ high efficiency plant and distribution services to cut carbon emissions.
- Water conservation.

6.18.3. Energy efficient light fittings, white goods and fixtures with water efficient fixtures and fitting are proposed. The building design is proposed to achieve high thermal performance (through a high standard of insulation). The overall sustainability strategy inherent within the design will accord with the objectives of the NPPF which supports the prudent use of natural resources and encourages the appropriate use of renewable energy sources.

6.18.4. Part (S) of Building Regulations (as from June 2022) requires all new build homes to have Electric Vehicle Charging Points, the Applicant has committed to this which is acceptable. Given that the provision of EVCP is a requirement of the Building Regulations, it is not necessary to impose a condition on any planning permission to secure this.

6.18.5. A condition should be imposed on any planning permission to ensure details are provided (prior to the construction of any dwelling) setting out the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste and reduce carbon emissions by 50% for new dwellings compared to current regulations (Building Regulations Part L1a 2013).

6.18.6. Further conditions should be imposed on any planning permission to control excessive water consumption. Subject to the conditions, the application would comply with Policy DM19 of the Local Plan, and as such no objection is raised.

6.19. Other matters

6.19.1. Phasing

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- 6.19.2. Concerns were raised in consultation responses that it would not be acceptable to allow the demolition of existing housing without some certainty that the proposed new housing (and associated benefits) will actually proceed. Previous attempts to develop the site to replace the building damaged by fire have stalled, and the site has been largely derelict for over a decade. Given that the dwellings to be demolished are non-designated heritage assets, it is important these buildings are not lost without some certainty that the benefits the new housing would bring will materialise.
- 6.19.3. In response to this concern the Applicant submitted a phasing plan, the phasing is logical, but lacks commitments to the timing for completion of each phase, nor has any contractual information been provided to confirm agreements are in place with building contractors.
- 6.19.4. A condition should be imposed on any planning permission to ensure the buildings at 77 to 83 London Road are not demolished before a contract is in place for carrying out the redevelopment of the site.
- 6.19.5. Equalities and Human Rights
- 6.19.6. The proposals include demolition of existing housing, and this would displace existing residents occupying the housing. As such consideration has been given to the implications of displacement in terms of equalities and human rights.
- 6.19.7. Human rights: overview
- 6.19.8. In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impacts that are most relevant to planning are Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 6.19.9. Where the peaceful enjoyment of someone's home and/or their private life is adversely affected, their Article 8 (Art 8) and/or Article 1 of the First Protocol (A1P1) rights may be engaged.
- 6.19.10. A1P1 and Art 8 rights are both what are known as 'qualified rights', that is, they are not absolute rights but involve some form of balancing exercise between the rights of the state to take various steps and the rights of the individual or other affected body/organisation.
- 6.19.11. In the case of *RLT Built Environment Ltd v Cornwall Council* (a judicial review from 2016), the Court drew out a number of points concerning how to approach the loss of a home in the context of the planning process. The points set out by the Court were as follows:
- i) Article 8 does not give a right to a home, or to a home in any particular place.*
 - ii) However, where someone has a home in a particular dwelling, it may interfere with the article 8 rights of him and/or his family to require him/them to move.*
 - iii) Whilst those rights demand "respect", they are of course not guaranteed. In this context, as much as any other, the public interest and/or the rights and interests of others may justify interference with an individual's article 8 rights.*
 - iv) Where article 8 rights are in play in a planning control context, they are a material consideration.*

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- 6.19.12. Any interference in such rights caused by a planning decision has to be balanced with and against all other material considerations. That balancing exercise is one of planning judgment.
- 6.19.13. Article 8 rights are important, but it is not to be assumed that, in an area of social policy such as planning, they will often outweigh the importance of having coherent control over town and country planning.
- 6.19.14. Equalities: overview
- 6.19.15. In line with the Public Sector Equality Duty ('PSED') the Council must have due regard to the need to eliminate discrimination and other forms of less favourable treatment such as harassment and victimisation, and to advance equality of opportunity and foster good relations as between persons who share a protected characteristic and persons who do not share it. The PSED is set out in section 149 of the Equality Act 2010. A protected characteristic for these purposes is age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.19.16. In planning terms, the potential impacts of a proposal should be addressed by the decision-maker as a material consideration.
- 6.19.17. Existing occupiers
- 6.19.18. The development would result in the demolition of 4 dwellings that are immediately adjacent to London Road. The dwellings are currently occupied.
- 6.19.19. All existing tenants are on Assured Short Hold Tenancies which require the landlord to give a minimum of two months' notice. Notwithstanding this the applicant has advised that they would give tenants a longer period of notice (4 to 5 months). The applicant also highlights that if a tenant does not move out in the required notice period there is then another period of time given to tenants, whilst an adjudication is made through the eviction process.
- 6.19.20. The Applicant has advised that if the Planning Committee resolve to approve the application, the applicant would look to serve notice on tenants once a decision has been issued (following finalisation of any S106 legal agreement).
- 6.19.21. The Applicant advised that the tenants were made aware when they moved into the existing dwellings that redevelopment was proposed, and the tenants were informed again when the planning application was submitted.
- 6.19.22. Effect of displacement - residential occupiers
- 6.19.23. As regards Art 8 rights (that is, the right in respect of the home and private life), the application has been assessed on the basis that the right is engaged by the loss of the existing homes. The existing occupiers would be required to find alternative accommodation. The question is whether the interference with the rights of affected individuals can be considered proportionate and necessary and justified under the Art 8.
- 6.19.24. This involves weighing the interference against other material considerations in order to arrive at a fair balance between the interests of the individual and the interests of the community as a whole.

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- 6.19.25. The occupiers would have to move and moving can be disruptive for those affected. Some groups (namely children, young people, older residents, those with disabilities and/or long-term health problems, pregnant women and those on maternity/paternity absence, ethnic minorities, and low-income households) are likely to be more sensitive than others to displacement.
- 6.19.26. The benefits of the scheme include:
- The development would bring forward jobs and spending during the construction phase.
 - The proposed development would be of a design that would positively respond to its surroundings.
 - The proposal would bring a brownfield site back into use within the designated settlement boundary of Sittingbourne.
 - The proposal includes delivering housing including affordable housing in an accessible location.
 - The Council doesn't have a 5-year supply of housing, the proposal would contribute to meeting the objectively assessed need for housing in the borough.
 - The proposed development has been designed in accordance with sustainability principles, it would achieve more than the minimum Biodiversity Net Gain requirements and include measures to offset carbon.
 - Block B is to be refurbished and measures would be included to improve the environmental performance of that existing building.
- 6.19.27. Taking into account the nature of the impact on the existing occupiers, it is considered that the benefits of the proposed development, which are in the public interest, would outweigh any interference with the rights of the individual under Art 8.
- 6.19.28. In terms of A1P1 rights, officers have proceeded on the basis that this right is engaged by virtue of the loss of the existing residential dwellings. That interference can be regarded as being in the general interest (the operation of the planning system is a legitimate interest of the state).
- 6.19.29. In officers' assessment, taking account of the nature of the impact on existing residential occupiers and the public benefits of the scheme, a fair balance is arrived at between the protection of the rights of affected individuals and the interests of the wider community and a disproportionate or excessive burden would not be imposed.
- 6.20. Conclusion**
- 6.20.1. The application would bring forward housing including affordable housing on what is a brownfield site within the built-up boundary of Sittingbourne.
- 6.20.2. The Council cannot demonstrate a 5-year supply of housing, as such the policies for the supply of housing are not up-to-date. In such circumstances, the so-called 'tilted balance' is engaged. Any adverse impacts identified would need to significantly and demonstrably outweigh the benefits of the scheme in order to overcome the tilted balance.
- 6.20.3. In this case, no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the scheme.

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6.20.4. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 are clear that planning applications must be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise. Development that accords with the Development Plan should be allowed.

6.20.5. Officers are of the view that the proposed development accords with the Development Plan and would bring forward considerable benefits.

6.21. Recommendation

6.21.1. Approve subject to conditions and a S106 legal agreement to secure the necessary planning obligations.

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-PD-02, 7460 - PD2-01, 7460-PD2-03 Rev D, 7460 - PD2-04 Rev B, 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:

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- 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.

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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

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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.

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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 exercising 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

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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.

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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).

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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,

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- 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. Prior to demolition of the 4 dwellings at 77 to 83 London Road, plans and details of phasing, including the order and timing of development, and a contract with a principle building contractor for the redevelopment of the site with the construction of Block C immediately following the demolition of the 4 dwelling at 77 to 83 London Road shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter accord with the approved details.

Reason: To secure the beneficial impacts of the development required to justify the loss of non-designated heritage assets.

30. No occupation of any building shall take place until a scheme of historical interpretation for 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 interpretation scheme shall be carried out in full accordance with the approved details prior to the first occupation of any new dwelling 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.

31. 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.

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- 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.

- 32. 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.

- 33. 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.

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34. 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.

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 sold 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 gates 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

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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

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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>

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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
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

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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 expect. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

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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.

