

**PLANNING COMMITTEE – 23 MAY 2024****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO 23/505541/REM</b>		
<b>PROPOSAL</b> Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT.		
<b>SITE LOCATION</b> Land Between Frogal Lane and Orchard View, Lower Road, Teynham		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and a Deed of Variation to the S106 legal agreement with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary.		
<b>APPLICATION TYPE</b> Major – Reserved Matters		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ward Councillors Lloyds Bowen and Julian Speed request the application be determined by the Planning Committee.  Parish Council objection.  Letters of representation from more than three separate addresses received within the specified representation period based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee.		
<b>Case Officer</b> Matt Duigan		
<b>WARD</b> Teynham and Lynsted	<b>PARISH/TOWN COUNCIL</b> Teynham	<b>APPLICANT</b> C/O Agent  <b>AGENT</b> Chartway
<b>DATE REGISTERED</b> 22/12/2023		<b>TARGET DATE</b> 28/05/2024
<b>BACKGROUND PAPERS AND INFORMATION:</b> Documents referenced in report are as follows: -		

All drawings submitted:

All representations received:

Schedule of accommodation dated 9/11/2024 (uploaded 05/12/2023).

Planning Compliance Statement undated (uploaded 5/12/2023).

Biodiversity Net Gain Assessment: Feasibility Stage dated 19/7/2023 (uploaded 5/12/2023).

Onsite lighting report dated 27/6/2023 (uploaded 5/12/2023)

Built Heritage Statement dated July 2023 (uploaded 5/12/2023)

Heritage Addendum dated 27/2/2024 (uploaded 6/3/2024)

Landscape & Public Realm Strategy Part 1 and 2 dated November 2023 (uploaded 5/12/2023).

Flood Risk Assessment dated October 2016 (uploaded 14/12/2023)

Design and Access Statement (Parts 1 to 5) dated December 2023 (uploaded 14/12/2023).

Documents from 16/507689/OUT:

Landscape And Visual Impact Assessment dated 24/10/2016 (uploaded 1/11/2016)

Flood Risk Assessment dated October 2016 (uploaded 1/11/2016)

Tree Report & Impact Assessment dated 10/11/2016 (uploaded 17/11/2016)

Air Quality Assessment dated 23/09/216 (uploaded 1/11/2016)

S106 Legal Agreement dated 23/06/2021 (uploaded 25/06/2021)

Documents from 23/502591/SUB:

Arboricultural Survey Impact Assessment and Method Statement dated May 2023 (uploaded 1/6/2023)

The full suite of documents submitted pursuant to the above application are available via the link below: -

[23/505541/REM | Approval of Reserved Matters \(Appearance, Landscaping, Layout and Scale sought\) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT. | Land Between Frogna Lane And Orchard View Lower Road Teynham Kent ME9 9TU \(midkent.gov.uk\)](https://midkent.gov.uk/23/505541/REM)

## 1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located at Teynham, to the north of the village centre (which is located on the A2 London Road) and to the south of Lower Road.
- 1.2. At its closest point the reserved matters site is approximately 900m from the Teynham railway station. The site has a total area of 20.86ha.
- 1.3. The land to the east of Frogna Lane adjoins the rear gardens of existing residential properties and is an open field and sports ground, whilst land to the west of Frogna Lane is an open, agricultural field.
- 1.4. Immediately beyond the eastern boundary of the site is a Primary School, Teynham Village Hall, a grassed area used as a junior football pitch, a children's play area and a

small car park. A Public Right of Way (PRoW ZR247) runs along the eastern boundary of the site.

- 1.5. The existing dwellings which are adjacent to the application site are mainly two storey dwellings or bungalows.
- 1.6. The western portion of the site currently comprises open land, which slopes down to the west. The site was formerly worked for Brickearth and restored to a level approximately 1m to 2m below Frogmal Lane. Footpath (PRoW ZR256) runs north – south through the western part of the site between the A2 London Road and Lower Road.
- 1.7. There are historically listed buildings nearby (including Frogmal Farmhouse and outbuilding (Grade II\*), Claxfield House (Grade II), and Claxfield Farm House (Grade II\*)).
- 1.8. Frogmal Lane and Lower Road are designated as Rural Lanes.
- 1.9. The site is near Teynham Air Quality Management Area (AQMA) and areas of the site are of archaeological importance.

## 2. PLANNING HISTORY

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

**16/507689/OUT** - Approved 23.06.2021

Outline Application (with all matters reserved other than access into the site) for mixed use development including up to 300 dwellings; employment area (Use Classes B1(a), B1(b) and B1(c) (offices, research and development, and light industrial) (up to 26,840sqm); sports ground (including pavilion/changing rooms); open space (including allotments and community orchard); access, including new link road and roundabout on A2; other vehicular/pedestrian / cycle accesses (including alterations to Frogmal Lane); reserve site for health centre; and associated parking and servicing areas, landscaping, wildlife areas, swales and other drainage / surface water storage areas, and related development

[The Applicant has submitted numerous condition discharge applications relating to conditions imposed on the outline planning permission. Concerns have been raised by the Parish Council that these haven't been subject to formal public consultation. Condition discharge applications are not planning applications (the consultation regime does not require public consultation in relation to condition discharge applications). The sub applications relate to technical matters.]

## 3. PROPOSED DEVELOPMENT

- 3.1. The reserved matters application seeks to take forward an initial phase of the approved outline permission. The current proposal involves approval of reserved matters for 298 dwellings, a sports ground (including pavilion with changing rooms), open space (including allotments and community orchard) and associated new infrastructure (including access, parking, and landscaping etc).
- 3.2. The reserved matters application seeks approval for appearance, landscaping, layout, and scale.

- 3.3. It is recognised that ‘Access’ was a matter determined at the outline stage, as such ‘Access’ (the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network) is already approved.
- 3.4. There is an overlap between the conditions imposed on the outline planning permission and this reserved matters application. The detailed wording of conditions imposed on the outline permission often requires certain matters to be addressed in the reserved matters application, and the Applicant has submitted the required information with this application.

- 3.5. The table below shows the proposed housing mix:

<b>Size/type</b>	<b>Quantity</b>	<b>%</b>
1 bed flats	13	4%
2 bed flats	9	3%
2 bed houses	57	19%
3 bed houses	164	55%
4 bed houses	55	18%
Total	298	100%

- 3.6. The western portion of the site would accommodate the main entrance to the site via a roundabout from the A2 London Road. This part of the site would be largely open space accommodating allotments, a community orchard and surface water detention basins.
- 3.7. The area proposed for allotments comprises 20 standard allotments of 250 sqm each. The allotments are proposed to be fenced and provided with a water supply and 10 car parking spaces. A vehicular access way is proposed off Froggnal Lane, leading to the proposed allotments. A community orchard is also proposed.
- 3.8. The section of Froggnal Lane within the site would be closed to vehicular traffic and become a pedestrian and cycle link.
- 3.9. Vehicular access between the A2 and Froggnal Lane would still be afforded via the new roundabout (at the A2) and the internal access road which links to Froggnal Lane, north of the site.
- 3.10. The land to the east of Froggnal Lane is proposed to accommodate residential development accessed via internal residential streets. The residential development area is arranged as a series of interconnected street blocks.
- 3.11. A primary street loops from the main vehicle access point through the central part of the site with secondary streets linking the outer edges of the development to it.
- 3.12. Landscape buffers are proposed to the west, east and south-west of the residential development area. The buffers are described below: -
- Western boundary – 15m landscape buffer from Froggnal Lane to include new and existing trees and planting;
  - Eastern boundary – 10m buffer from the site boundary, to include the enhanced PRow;
  - South-west boundary – 5m buffer from site boundary with Froggnal Close
- 3.13. Refuse storage for houses would be located in rear gardens. Apartment blocks are provided with communal stores located in accessible locations for residents.

- 3.14. North of the residential area would be playing pitches and a single storey sports pavilion. The sports ground shown would have an overall area of 3.72ha (including a car park (46 spaces) and pavilion). It is proposed that the sports area would accommodate three football pitches during the winter season and a cricket pitch during the summer season. The sports pavilion building accommodates 303 sqm of floor area.
- 3.15. A mix of parking typologies are proposed throughout the development, parking is proposed in courtyards, on plots (driveway parking and/or tandem parking). Overall, for the residential development, 681 parking spaces are proposed. (including 102 visitor parking spaces).

#### 4. CONSULTATION

- 4.1. As part of the planning application, all immediate adjacent neighbours have been consulted.
- 4.2. Two rounds of consultation have been carried out, the first on 11/01/2024 and the second on 5/4/2024. during which 416 letters were sent to neighbouring occupiers; 6 site notices were displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.3. First Round of consultation - neighbours**
- 4.4. During the first round of consultation 79 letters of representation were received in relation to the consultation. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
The development would adversely change the character of the village. The village identity would be lost.	6.2.2, 6.5.8, 6.8.11, 6.8.12, 6.8.15
Traffic congestion would worsen.	6.11.4, 6.11.5
Existing parking pressures would be exacerbated.	6.11.14, 6.11.15
Public transport is limited, meaning there would be a reliance on cars, causing congestion.	6.11.11
The condition of the local roads would worsen with the additional traffic.	6.11.4, 6.11.5
The routes for construction traffic should be controlled.	6.11.16
The increased traffic would increase highway safety concerns.	6.11.4, 6.11.10
Part of Frogal Lane would be closed forcing more use of Lower Road which is not suited to increases in traffic.	6.11.4, 6.11.6,

There is insufficient community facilities and infrastructure to cope with the additional population. There is no GP surgery in Teynham. Local schools don't have the capacity to cope. There are not sufficient dentists in the area to cope.	6.13.4 to 6.13.10
The existing playing fields have a sensitive history and this would be lost if they are built on.	6.6.7, 6.14.6
Roman archaeology would be built over.	6.7.2 to 6.7.8
Conditions are required to control construction impacts.	6.11.16, 6.17.2, 6.17.3
The development would reduce the separation between settlements, Teynham would become part of Sittingbourne.	6.8.11
Building works would displace vermin who would then move into neighbour residential properties.	6.19.5
The proposal would worsen air quality.	6.12.5, 6.12.6
Existing sewer network doesn't have the capacity to cope with additional housing and foul water. Existing drains block and the proposals would worsen the situation.	6.19.1, 6.19.2
The supply of electricity in the area is problematic, with power cuts frequent. Additional development and power usage will exacerbate the issue. There is inadequate water supply and the proposal would exacerbate the issue.	6.19.4
The development would displace open space, fields and agricultural land and Green Belt. Brownfield sites should be built on first.	6.2.1, 6.2.2
The character of the landscape would adversely change and there would impacts to views. The impact on views would impact the setting of the village and heritage assets.	6.5.5, 6.5.8, 6.6.8, 6.6.24
Wildlife habitat would be lost. Biodiversity enhancements are required. Protected species would be harmed.	6.10.3, 6.1.9, 6.10.11, 6.10.12
Places for people to walks and take exercise would be lost, adversely impacting health including mental health.	6.11.8, 6.11.13, 6.14.3, 6.14.13

This proposal doesn't bring forward the employment space, the housing would not be accompanied by jobs. There is concern the employment part of the site might come forward for housing.	6.2.3
The site specific Policy MU4 requires both housing and employment space, as such this proposal is contrary to that policy. The proposal is also contrary to the S106 legal agreement in relation to phasing.	6.2.3
Cumulatively this development and others would result in unacceptable impacts.	6.11.5
Existing flooding issues would be exacerbated.	6.15.3, 6.15.4, 6.15.8,
The development would result in increased pollution.	6.12.6, 6.16.2, 6.16.3
Affordable housing would be for non-locals, not meeting local needs.	6.4.4
The architecture of the proposed buildings doesn't reflect the character of the area.	6.8.12, 6.8.13
Public Rights of Way (PRoW) would be adversely impacted. The development doesn't promote active travel.	6.11.11, 6.11.13
There would be an increase in noise and anti-social behaviour.	6.17.2, to 6.17.13 see also condition 6
The proposals are not sustainable or environmentally friendly and fails to propose adequate conservation of energy and water.	6.18.3, 6.18.5, 6.18.7
Density is excessive and no allowance has been made for green space or wildlife. The central green space is too small for the future population.	6.8.12
The sports pitches may not be delivered in which case there would be a loss of sports facilities. Other infrastructure such as street lights may not be delivered.	6.14.8
Lighting of the sports pitches would impact on residential amenity. Noise from the use of allotments and potentially fires in the allotments would impact on the amenity of nearby neighbours.	6.17.14, 6.17.15

Nearby houses which have just been built remain unsold. There is not demand for the new housing proposed.	6.2.2
The community facilities including football pitches, pavilion and car parking on a leasehold for 25 years at peppercorn rent. Details are not clear after 25 years. Concern is raised that the facilities would not be available for future generations. Concern is also raised over the lack of long-term ownership and maintenance of open spaces, allotments and drainage infrastructure is required.	6.14.9
The development should be integrated into the existing community with easy access to facilities.	6.8.7
The new population would need mobile phone signal and more mobile phone masts would be required with associated visual and electric and magnetic fields adversely impacting views and health.	Phone masts would require separate permission and are not a material consideration for this application.
The housing should be located near the A2 and open space where the housing is proposed.	6.2.4
The site is a rural location, not suitable for additional housing.	6.2.2
The proposals don't improve health care facilities in the village contrary to Policy MU4.	6.13.4 to 6.13.10

#### 4.5. First Round of consultation – Parish Councils

4.6. In summary (the full response can be viewed online), Teynham Parish Council raised the following concerns:

Comment	Report reference/ clarification
The employment space and the health facility may not be delivered. A future planning application could be submitted for change of use in order to build additional houses at a later stage.	6.2.3
There are currently no GP facilities in the village. New houses should not be occupied until medical/GP facilities have been built and operational within the village.	6.13.9



Many members of the public have been unaware of the condition discharge application relating to the outline permission, including relating to the Public Rights of Way (PRoW).	6.19.7
Since the outline planning permission was granted there have been a number of significant changes in the local area, including other large developments.	6.11.5
Construction would be disruptive and robust measures are required to protect residents.	6.11.16, 6.17.2, 6.17.3, 6.17.4
The site has limited access and PRoW are impacted.	6.11.13
A wide range of individuals and groups will be impacted by this development. Consideration should be taken to reach these diverse groups of people.	4.2
The construction phase(s) will impact large numbers of people over an extended period of time.	6.11.16, 6.17.2, 6.17.3, 6.17.4
Phasing controls have not been adhered to.	6.2.3
There is a need to set, monitor and enforce rigorous planning constraints. It's essential to minimise the impact on day-to-day activities during the construction phase. Hours of work should be restricted.	6.11.16, 6.17.2, 6.17.3, 6.17.4
A comprehensive travel and parking plan is required, covering construction crew, visitors, materials (loading and unloading), equipment and the removal of waste.	6.11.11
It's essential to ensure all the community components of the project are completed at an early stage.	6.14.9
Significant effort should be placed on protecting and maintaining routes through the site during construction phase or provide near-by alternative routes.	6.11.8
The capacity of the wastewater infrastructure is a major concern. Further concerns existing over the capacity of fresh water and electrical supplies to cope with additional demand.	6.19.1, 6.19.2, 6.19.3,

The foul water pumping station should be relocated and be set 50m away from any habitable room.	6.17.10 to 6.17.13
Actions should be taken to protect against infestations by rodents.	6.19.5
New traffic modelling required to reflect significant changes since the outline permission.	6.11.5
Consideration should be given to a district heating system.	6.18.4
Emergency services may need greater capacity.	6.17.10
Concerns are raised in relation to the design, including: <ul style="list-style-type: none"> <li>○ Context</li> <li>○ Identity</li> <li>○ Public spaces</li> <li>○ Movement</li> <li>○ Uses</li> <li>○ Roads and access</li> <li>○ Homes and buildings</li> <li>○ Lifespan.</li> </ul>	6.8.5 to 6.8.13, 6.8.15 to 6.8.23, 6.11.6, 6.14.6.

4.7. Lynsted with Kingsdown Parish Council fully endorse the comments submitted by Teynham Parish Council.

4.8. In summary, Tonge Parish Council raised the following concerns.

Comment	Report reference/ clarification
There is a lack of GP facilities in the area. There is not sufficient capacity to cope with the additional population.	6.13.9
Additional traffic from the development would worsen congestion and pose highway safety risks including for cyclists.	6.11.4
Construction activities would be disruptive and construction traffic dangerous.	6.11.16, 6.17.2, 6.17.3, 6.17.4

#### 4.9. Second round of consultation – neighbours

4.10. During the second round of consultation a further set of 416 letters were sent to nearby occupiers on 5/04/2024. In response 7 letters were received. The following additional concerns/ comments were raised in relation to the following matters:

Comment	Report reference
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Agricultural land would be lost impacting food security and increasing carbon emissions.	6.2.2
Existing houses would be overlooked resulting in a loss of privacy. This would be exacerbated by changes to increase ground levels.	6.17.5, 6.17.7, 6.17.8, 6.17.9
Existing trees would be removed, contrary to advice provided by the developer.	6.9.5

#### 4.11. Second Round of consultation – Parish Council's

4.12. In response to the second round of consultation, Tonge Parish Council reiterated earlier concerns and raised the following additional matters:

Comment	Report reference
The changes to Frogmal Lane and Lower Road would pose a danger to cyclists.	6.11.6
Pollution from traffic would increase.	6.12.5, 6.12.6

#### 4.13. REPRESENTATIONS

**SBC Conservation Officer** - In summary the SBC Conservation Officer provided the following advice:

- Raised concern in relation to the Heritage Assessment addendum which doesn't adequately quantify cumulative change to the setting of Claxfield House and Claxfield Farmhouse. The setting of Claxfield House (Grade II) and Claxfield Farmhouse (Grade II\*) would be impacted by the new junction works, highway signage and lighting (less than substantial harm).
- Claxfield Lane (a rural lane) would be impacted.
- Request landscaping around the junction of Claxfield Lane and the A2 to help screen highway works, lights and signage from the setting of listed buildings.

**SBC Urban Design Officer** - In summary the SBC Urban Design Officer raised no objection and made the following conclusion:

Overall, the development has the potential to become a place that integrates successfully into the context. The principles used for the design are rational and in keeping with the characteristics of well-designed places, although more variety in building form would have been welcomed. Submitted information assesses the design against the Building for a Healthy Life (2020) standards and establishes that good design principles have been applied in practice. Subject to additional detail on materials, construction details and landscaping no objections are raised on urban design grounds.

**SBC Climate Change Officer** – No objection.

**SBC Affordable Housing Manager** – Raised no objection and noted that the Affordable Housing will be allocated through the Council's housing register or to those who have a local connection to the Borough.

**SBC Greenspaces Manager** – In summary the Greenspaces raised no objection to the proposal and advised:

- Sports facilities
  - The changing facilities are adequate. It is unlikely that all pitches would be in use at the same time, junior teams tend not to use changing facilities.
  - Require detailed construction plans, details of mechanical plant, security alarm, fencing of the sports field (secure from vehicles and prevent balls annoying neighbours).
  - The pavilion main entrance, pedestrian access from road and car park requires a level of lighting for security and promotion of community use.
  - Require detailed specification for construction the pitches including pitch drainage.
- A play facilities contribution is already secured and is adequate for funding offsite play facilities.
- Allotments
  - Entrance gate will need to be wide enough to allow vehicular deliveries.
  - A “communal area” allocated within allotments to allow for activities (building etc) and for the site to be provided with services electric and water.

**KCC Archaeology** – No objection.

**KCC Lead Local Flood Authority (LLFA)** – No objection.

**KCC Minerals and Waste** - No objection.

**KCC Highways** – No objection.

**KCC Ecological Advice Service** – No objection subject to a condition to control lighting.

**National Highways** – No objection.

**UK Power Networks** – In summary UKPN advised that there are electrical cables crossing the site. The Applicant is liaising with UKPN to ensure these are protected or diverted.

**SGN Plant Location Team** – SGN provided a series of informatives for the developer.

**Mid Kent Environmental Health Officer** – Raised no objection subject to a condition to control lighting.

**Environment Agency** - No comments to make.

**Kent Police** - No objection and provided a number of informatives.

**Natural England** - As competent authority, the Council must carry out a HRA /AA and adhere to its conclusions. No objection subject to securing appropriate mitigation for recreational pressure impacts on protected habitat sites.

**Lower Medway Internal Drainage Board** – Advised no comments to make.

**Southern Water** - In summary, Southern Water advised that occupation should be restricted to no more than 50 homes until the capacity of the local sewerage network has been enhanced.

**Kent Fire and Rescue Service** – No objection.

**Historic England** – No objection.

**Sport England** – No objection subject to conditions being imposed on any consent relating to the sports facilities and a community use agreement. Advice was provided in relation to detailed design requirements for the sports facilities.

## 5. DEVELOPMENT PLAN POLICIES

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

### Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- ST 1 Delivering sustainable development in Swale.
- ST 3 The Swale settlement strategy.
- CP 1 Building a strong, competitive economy.
- 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.
- CP 8 Conserving and enhancing the historic environment.
- MU 4 Land at Frogmal Lane, Teynham.
- 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 26 Rural lanes.
- DM 28 Biodiversity and geological conservation.
- DM 29 Woodlands, trees and hedges.
- DM 32 Development involving listed buildings.
- DM 34 Scheduled Monuments and archaeological sites.

### National Planning Policy Framework, 2023

### Kent Minerals and Waste Local Plan, 2020

### 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).

## 6. ASSESSMENT

6.1. 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. The application site is subject to a specific Local Plan Policy (MU4) which allocates the site for a mixed-use development including residential dwellings, employment space, areas of open space and landscaping.

6.2.2. The site allocation was taken forward through an outline application, that was granted planning permission on 21 June 2021 under reference 16/507689/OUT (see Section 2 of this report for further detail). The principle of the development has been established through the outline application.

6.2.3. Concern has been raised in consultation responses that that the current reserved matters application does not include the employment space towards the northern part of the site. However, there is no restriction included on the outline permission to require the employment land to be build out prior to (or at the same time as) the residential and open/sports space coming forward. The current reserved matters application would not prevent employment space coming forward as a separate reserved matters application at a later time.

6.2.4. Various documents were approved at the outline stage including a parameter plan setting out the location of development, sports facilities, and landscaped areas etc. This reserved matters application accords with the approved parameter plan.

6.2.5. The outline permission also approved a number of access and highways drawings. This reserved matters application accords with the approved access and highway plans. In view of the site-specific Policy (MU4) and the outline permission, there is no objection in principle to the current proposal.

### 6.3. Size and Type of Housing

6.3.1. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

6.3.2. 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.

6.3.3. The Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA). The proposed mix of housing is set out below:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market		27	130	41	198
Affordable	13	39	34	14	100
Total	13	66	164	55	298

6.3.4. The supporting text to Local Plan Policy CP3 sets out requirements for market and affordable housing by size. The table below shows the requirements 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	0%	14%	66%	20%	100%
Affordable Required	8%	20%	36%	36%	100%
Affordable Proposed	13%	39%	24%	14%	100%

6.3.5. The Council has a Housing Market Assessment (HMA) 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 housing 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	0%	14%	66%	20%	100%
Affordable Required	27%	23%	30%	20%	100%
Affordable Proposed	13%	39%	24%	14%	100%

6.3.6. 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.

6.3.7. In terms of the affordable tenure, advice from the Council's Affordable Housing officer is that evidence from the housing register shows that there is considerable demand for 2 bed dwellings. Given this localised knowledge of demand no objection is raised to the size of affordable dwellings.

- 6.3.8. In terms of the private housing (market tenure), the proposal would deliver a greater proportion of 3 bed dwellings and fewer 1 and 2 bed dwellings than is indicated as being required by the supporting text to Local Plan Policy CP3 or the HMA (2020).
- 6.3.9. 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.
- 6.3.10. For Teynham, the supporting text to Local Plan Policy CP3 states that the greatest local demand is for good quality family housing. The application proposes family housing in both the market and affordable tenures.
- 6.3.11. Given the location of the site within Teynham, along with evidence from the housing register (for demand for family housing), it is considered that the proposed mix would provide an acceptable mix of quality housing types and unit sizes in Teynham (in accordance with parts 1 and 2 of Policy CP3).
- 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 broadly complies with Local Plan Policy CP3.
- 6.3.13. The proposed homes would all provide a functional layout to provide an adequate standard of living accommodation for future occupiers. Overall, the proposal is considered to comply with Local Plan Policy CP3.

#### **6.4. Affordable Housing**

- 6.4.1. The affordable housing proposed as part of the development equates to 18.5% of dwellings. This reflects the level of affordable housing secured at the outline stage. This was on the basis that a greater proportion of affordable housing would render the scheme unviable. The financial viability of the scheme was therefore rigorously tested at the outline stage by an external consultant, and the result of the independent testing showed that the scheme would not be viable with a greater proportion of affordable housing.
- 6.4.2. In terms of affordable housing, the scheme would deliver 55 homes as affordable dwellings. This meets the requirement (18.5%) set out in the S106 agreement.
- 6.4.3. Of the total affordable homes, the S106 legal agreement requires that 40% of the affordable dwellings be affordable rented homes and 60% of the affordable homes as intermediate housing. This equates to:
- 22 affordable rented homes (40%) and
  - 33 intermediate homes (60%).
- 6.4.4. The proposals accord with the required overall proportion and tenure mix of affordable dwellings. The affordable rented homes are proposed in 3 flatted blocks (Block B, C and D), and the intermediate tenure homes would be in the form of houses spread through the development. Affordable Housing would be allocated through the Council's housing register or to those who have a local connection to the Borough.
- 6.4.5. All of the affordable house types will be compliant with the Nationally Described Space Standards. The S106 legal agreement requires six of the affordable units to meet Part M4(2) of the Building Regulations and six of the units to meet Part M4(3) of the Building Regulations. The application accords with this requirement.



- 6.4.6. In terms of being indistinguishable from market housing, no objection is raised to the proposed affordable homes (they are indistinguishable from the houses proposed in the private tenure). The affordable homes would enjoy good outlook, light and privacy.
- 6.4.7. This application has been brought forward by the Applicant in partnership with a Register Provider of affordable housing. The Register Provider advised that they anticipate receiving grant funding which would mean that a greater proportion of affordable housing can be provided.
- 6.4.8. The Applicant has confirmed that the uplift in affordable housing is only facilitated through grant funding. The terms of the grant funding are such that it must be additional to that secured as part of the original S106 legal agreement. This means that the Applicant cannot commit to securing the additional affordable housing in a legal agreement without losing the grant funding.
- 6.4.9. In terms of additional affordable housing, a further 45 affordable dwellings are proposed. Therefore, in total the scheme would deliver 198 dwellings as private sale and 100 dwellings (33.33%) as affordable.
- 6.4.10. Of the 100 affordable homes 50 would be delivered as Affordable Rented with Swale Borough Council having nomination rights to all of these. The other 50 affordable homes being delivered as shared ownership homes.
- 6.4.11. The shared ownership dwellings would allow eligible residents to purchase an initial equity stake in their new homes helping residents into homeownership. There is also a nominations agreement between the Council and the Registered Provider in relation to Shared Ownership dwellings which mean they would be offered to Borough residents (or those with a connection to the Borough) first.
- 6.4.12. A proposed range of property sizes and the balance between rented and shared ownership housing (50%/50%) would address the identified local housing need and has been developed following consultation with the Council's Affordable Housing officer.
- 6.4.13. The rent for Affordable Rented dwellings would be capped at Local Housing Association rates to ensure affordability for local people identified by Swale as being in housing need.
- 6.4.14. The table below sets out the proposed affordable housing provision:

	S106 requirement (55 homes)		Additionality (45 homes)		<b>Total</b>	<b>%</b>
	Affordable Rent	Shared Ownership	Affordable Rent	Shared Ownership		
1 bed flats	7				<b>7</b>	7%
1 bed flat M4(3)	6				<b>6</b>	6%
2 bed flats	9				<b>9</b>	9%
2 bed houses		3	11	16	<b>30</b>	30%
3 bed houses		16	17	1	<b>34</b>	34%
4 bed houses		14			<b>14</b>	14%
<b>Total</b>	<b>22</b>	<b>33</b>	<b>28</b>	<b>17</b>	<b>100</b>	<b>100%</b>

- 6.4.15. The weight given to the provision of the additional affordable housing must be carefully considered due to the fact that the additional affordable housing is being voluntarily

provided (funded through grant funding) and is not binding requirement. As such no weight has been afforded to the benefit of the additional affordable housing.

- 6.4.16. The proposals for affordable housing accord with Policies MU4, DM8, CP3, CP4, CP5, DM14 of the Local Plan.

## **6.5. Landscape and Visual**

- 6.5.1. The NPPF (paragraph 180) requires that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.5.2. 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. Local Plan Policy DM24 relates to conserving and enhancing valued landscapes. The site is not a designated valued landscape for the purposes of the NPPF.
- 6.5.3. The site does not lie within a Special Landscape Area or an Area of High Landscape Value (it is a non-designated landscape). For non-designated landscapes Policy DM24 states that these will be protected and enhanced, and planning permission will be granted subject to the minimisation and mitigation of adverse landscape impacts.
- 6.5.4. For all landscapes, the scale, layout, build and landscape design of development should take account of the key characteristics, sensitivity, condition and capacity of the landscape, taking opportunities to enhance the landscape where possible.
- 6.5.5. The outline permission was accompanied by a Landscape Visual Impact Assessment (LVIA) prepared in accordance with the published guidance provided by the Institute of Environmental Management and Assessment and the Landscape Institute (IEMA/LI), the Countryside Agency, the Department of the Environment, Transport and the Regions (DETR).
- 6.5.6. A Zone of Significant Visibility (ZSV) study was established as part of the LVIA to assess the broad theoretical extents of visibility of the proposed development.
- 6.5.7. The LVIA included 20 viewpoints taken at locations where it was anticipated potential effects would be greatest. A parameter plan was included at the outline stage which limits buildings heights such that they do not exceed the ZSV. Visual impacts were considered acceptable at the outline stage.
- 6.5.8. There will be clear changes to the character of the landscape, however the current reserved matters application accords with the parameter plan approved at outline stage (including height limits, setbacks from neighbouring boundaries and landscape buffers between proposed and existing development). The proposals would not encroach into a designated countryside gap or result in the coalescence of settlements.
- 6.5.9. Condition 8 imposed on the outline permission requires a detailed strategic landscape scheme to be provided, the applicant has submitted a strategic landscape scheme to address the condition requirements, which is mirrored in the reserved matters application. The reserved matters application is also accompanied by a significant amount of landscaping detail.
- 6.5.10. The landscaping strategy would help to minimise landscape and visual impacts by screening and softening the appearance of the development. The application proposes a series of formal and informal open spaces across the site. It comprises a large area of

open space to the west side of the site, with embedded green and blue infrastructure features. Wetland areas forming part of the sustainable drainage strategy are proposed within a framework of new meadows, scrub, grassland, tree, hedgerow and wetland planting.

- 6.5.11. In addition, areas for orchard and allotments, with boundary hedgerow are proposed. North of the residential development site would be sports playing fields for recreational purposes. This would be bounded by tree planting, supplementing existing trees beyond the playing field edges.
- 6.5.12. Throughout the scheme existing landscape structure and features including woodland, trees and hedgerows would be retained and augmented by new meadows, woodland, scrub, hedgerows, and wetland planting. The proposals provide an integrated landscape strategy that would achieve a net gain in natural/semi-natural greenspace, integrate the development within the wider landscape. The application accords with Local Plan Policy MU4 in this regard.
- 6.5.13. The current proposals adhere to the maximum parameters and reflect the illustrative master plan, with lower building height towards the site edges. The application accords with Local Plan Policies ST1 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 of the Local Plan 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.
- 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 site does not contain any listed buildings, any indirect impacts would be to the setting of designated heritage assets. The application site is not located in a Conservation Area. Concerns have been raised in objection that the loss of existing sports fields would result in harm to the history of the playing fields. However, the existing sport pitches are not identified by the Council's Conservation Officer as having historical significance for planning purposes.

6.6.8. The following heritage assets have been identified as being potentially impacted by the proposal:

- Frogna Farmhouse (Grade II\* Listed).
- Frogna Farm Barn (Grade II Listed).
- Claxfield House (Grade II Listed).
- Claxfield Farmhouse (Grade II\* Listed).

6.6.9. The significance of Frogna Farmhouse and Barn resides in their respective group value as a historic house and farmstead. Given the location of proposed development (well separated from Frogna Farmhouse) and intervening built form and landscaping, no harm would be caused to Frogna Farmhouse and the associated Barn.

6.6.10. Claxfield House is located on the southern side of the A2. That building was constructed by the end of the eighteenth century. The close positioning of the house to the roadway is reflective of its historic setting. The setting is dominated by London Road to the immediate north of the house.

6.6.11. The house is currently enveloped by an expansive car park to the rear, consequently, the setting is somewhat compromised and overall, makes only a limited contribution to the building's significance.

6.6.12. Claxfield Farmhouse is a timber framed dwelling located on the western side of Claxfield Road. Claxfield Farmhouse displays features from medieval and Tudor times.

6.6.13. It is proposed to introduce changes to the geometry of the A2 and Claxfield Road to create a roundabout with associated signage and lighting. The highway works are close to Claxfield House and Claxfield Farmhouse. The Applicant was asked to reconsider the location of highway signage and lights and this work was undertaken in conjunction with KCC Highways.

6.6.14. While some changes were made to move signs and lights further from the listed buildings, the signage and lighting are required to meet very specific requirements in order to comply with Highways safety requirements. Evidence has been provided by the applicant, and confirmed by KCC Highways that further changes to the position of necessary highway signage and lights cannot be accommodated without compromising highway safety.

6.6.15. In accordance with paragraph 201 of the NPPF, the Council's Conservation officer requested landscaping be provided offsite on the southern side of London Road to soften and minimise the impact of the development in views towards the listed buildings. If approved a condition would be required to secure a scheme of offsite landscaping at the junction of Claxfield Road and the A2/London Road.

6.6.16. However, even with the proposed landscaping, the Council's Conservation officer advises that signage and lights would impact the setting of Claxfield House and Claxfield Farmhouse. The impact would be harmful (less than substantial) to the setting of these heritage assets.

- 6.6.17. At paragraph 208 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.6.18. 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.
- 6.6.19. 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. The wider outline permission includes employment space, and while the current application doesn't include the employment land the proposed roundabout and access road from the A2 would facilitate the development of employment space as a later phase.
- 6.6.20. The proposed development would be of a design that would positively respond to its surroundings. 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 to the contribution the development would make to enhancing the appearance of the area, including through landscaping and good design.
- 6.6.21. The proposal would bring a former mineral extraction site back into use for housing (including affordable housing). The proposal would also support remediation of contaminated land. Paragraph 124 of the NPPF states that substantial weight should be given to these benefits.
- 6.6.22. The proposal includes delivering housing including affordable housing in an accessible location on an allocated site. The proposal would contribute to housing supply and significant weight can be afforded to this benefit.
- 6.6.23. The proposed development would bring forward sports pitches and open space, including allotments and a community orchard. The proposals have designed in accordance with sustainability principles, it would achieve more than the minimum Biodiversity Net Gain requirements and include measures to offset carbon. Moderate weight has been afforded to this benefit.
- 6.6.24. Whilst 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 Claxfield House and Claxfield Farmhouse, the benefits are considered to outweigh the harm. The proposals comply with Local Plan Policies CP8 and DM32 and paragraph 208 of the NPPF and Section 66(1) of the PLBCAA.

## **6.7. Archaeology**

- 6.7.1. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ.
- 6.7.2. A condition (15) was imposed at the outline stage requiring archaeological investigations to be undertaken. The archaeological excavations were undertaken and were overseen by the KCC Archaeologist and important finds included artefacts from the Roman era.

- 6.7.3. What is thought to be the remains of a Roman mausoleum were found, as well as various burial sites and a statue of the Roman God, Triton. The remains of the mausoleum are located in the general vicinity of the new roundabout at the A2.
- 6.7.4. While some artefacts of importance have been removed for restoration, the remainder are to be preserved in situ, the proposals for preservation in situ have been agreed by the KCC Archaeologist. Concerns have been raised in objections that the archaeological remains would be built over. For clarity, the new junction with the A2, the roundabout and internal access road and foot ways were approved in 2021.
- 6.7.5. The detailed engineered highway proposals in the vicinity of the archaeological finds were informed by the Applicant's Archaeologist, and the proposed method of preserving the archaeological remains (preservation in situ) beneath the road and roundabout were approved by the Kent County Council archaeologist.
- 6.7.6. The Kent County Council archaeologist advised proceeding with the preservation of the archaeology as proposed is important to ensure these are not degraded by weather.
- 6.7.7. Given the importance of archaeological remains found, it would be appropriate for a scheme of interpretation to be introduced to explain what was found and the significance. A condition is recommended to secure the interpretation.
- 6.7.8. The current application was referred to the KCC Archaeological Officer who advised that in view of the extensive archaeological work undertaken to date, no objection is raised. The proposal would comply with Local Plan Policy DM34.

## **6.8. Character and appearance**

- 6.8.1. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.8.2. Local Plan Policy CP4 requires good design and states development proposals will enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place. The Policy goes on to highlight that development proposals should be appropriate to the context in respect of materials, scale, height and massing.
- 6.8.3. Policy DM14 of the Local Plan states that development proposals will reflect the positive characteristics and features of the site and locality.
- 6.8.4. The reserved matter for layout requires details of the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development.
- 6.8.5. The residential layout is arranged as a series of interconnected street blocks. A primary street loops from the main vehicle access point through the central part of the site with secondary streets linking the outer edges of the development to it.
- 6.8.6. The proposal includes limited number of shared surface home zones with lower vehicle speeds promoting pedestrian friendly spaces. The street blocks would allow permeability through the site, which is proposed to be supported by north-south and east-west cycle and pedestrian routes that connect with destinations.
- 6.8.7. Local Plan Policy CP4 requires development to make safe connections physically and visually both to and within developments, particularly through using landscape design and open space to retain and create green corridors for pedestrians, cyclists, and biodiversity. The proposal would provide opportunities for people to make sustainable

movement choices by linking with and integrating to the existing village and wider community.

- 6.8.8. The layout shows buildings are positioned to define and reinforce the street which is acceptable. A range of housing types are proposed and arranged to perform specific roles within the layout. By way of example, detached houses and apartment blocks provide prominence at key positions within the layout. Other buildings, such as semi-detached houses are sited on corners to provide dual aspect over adjoining streets. This is acceptable as the arrangement of building typologies would provide a variety of homes throughout the development, with the dwellings addressing the streets and open spaces proposed with active frontages.
- 6.8.9. The layout also proposes to provide a single open space centrally located to the development, rather than smaller open spaces spread around the layout. The open space is larger, and this would make it more successful in the ways in which it could be used by the new community.
- 6.8.10. The reserved matter for appearance requires that the aspects of a building or place within the development which determine the visual impression to be provided.
- 6.8.11. Concerns have been raised in objections that the character of Teynham would change and the identity of the village would be lost. However, in this case the site is allocated for development in the Local Plan and already benefits from outline permission for up to 300 dwellings.
- 6.8.12. The proposed housing arrangement responds to the site's specific constraints and opportunities and has taken into account and is reflective of the densities, design, and materiality of existing housing within Teynham. The proposed density broadly reflects that in the village and has been arranged to respond to the context, this accords with Policy CP3 of the Local Plan (which requires that densities be determined by the context and the defining characteristics of the area).
- 6.8.13. Local Plan Policy DM14 requires development to be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. In terms of scale, the buildings would range between 1 to 2.5 storeys in height which accords with the approved outline permission parameter plan. The majority of dwellings would be two storeys, with the apartment blocks rising to 2.5 storeys and the sports pavilion being single storey.
- 6.8.14. The site has been used in the past for mineral extraction (brick earth), with the result that levels across the site vary. Conditions are imposed on the outline permission requiring cross sectional drawings be provided (showing existing and proposed levels). The approved parameter plan requires that site levels not be raised by more than 2m. While the application does involve changes to levels (for example to ensure drainage across the site is functional), an examination of cross-sectional drawings shows the proposals accord with the parameter plan requirements relating to level changes.
- 6.8.15. A range of character areas are proposed to provide different identifies and building typologies to respond to differing site and edge contexts. For instance, a character area named the Rural Edge is characterised by lower densities, traditional housing designs and materials in muted colours to reflect the rural edge of the site.
- 6.8.16. The Council's Urban Design officer advised that more modern interpretations of traditional forms could have been explored in less sensitive areas such as the internal streets character area.

- 6.8.17. The proposed front elevations and the principal facades of dwellings face streets and public spaces, and corner buildings would provide dual aspect housing with windows serving habitable rooms providing natural surveillance. Street corners with blank or largely blank sided buildings have been minimised. Building elevations are enlivened by a range of features including, bay windows, soldier courses, cladded panels and porches.
- 6.8.18. The proposed materials would unify the development, being predominantly a mix of different coloured brick, weatherboarding, and a mix of roofing materials. This approach responds to the context and would help integrate the proposal with the established character and appearance of Teynham.
- 6.8.19. In terms of the sports pavilion, this has been designed to be visible from the road network, neighbouring buildings, and open spaces. It has been positioned to screen the sport ground car park from view at the entrance to the housing development. The pavilion would have materials that would be in keeping with the proposed street scene and its form and appearance expresses its proposed function. The design of the sports pavilion is acceptable.
- 6.8.20. Cars related to residential aspect of the proposal would be accommodated in a mix of on street, courtyard and on plot parking. This variety would help to avoid car parking dominating the street scene. Planting and trees are proposed near parking spaces to help screen and soften the appearance of parking.
- 6.8.21. Local Plan Policy CP4 requires development proposals to create safe, accessible, comfortable, varied and attractive places. It is noted that conditions are imposed on the outline permission to ensure development will meet secure by design standards and that overall, the proposals would see the creation a varied and attractive place.
- 6.8.22. The development proposes to achieve safer access and movement by ensuring that primary routes for pedestrians, cyclists and vehicles are direct and lead to where people want to go, with as little segregation as possible. The movement framework removes the need for underused alleyways and short-cuts that can become vulnerable to or facilitate crime.
- 6.8.23. Active frontages are proposed onto defensible space which would be provided by private or communal gardens that can only be accessed from the relevant homes. A clear distinction is proposed between public, semi-private / communal and private spaces. This would be achieved using appropriate demarcation such as fences, walls or hedges.
- 6.8.24. In conclusion, the proposals demonstrate that the proposal would be well laid out and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. The character and appearance of the proposal would accord with Policies CP4 and DM14 and satisfactorily meet the reserved matters requirements for layout, scale and appearance.

## **6.9. Trees**

- 6.9.1. Paragraph 180 of the NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. At the local level, the requirement is recognised through Policy DM29 of the Local Plan.
- 6.9.2. At the outline application stage, the Council's Tree Officer advised that the indicative development site masterplan showed a sustainable relationship with the retained trees



and that providing tree constraints were taken into account as part of the final layout there would be no arboricultural grounds to refuse the application.

6.9.3. A condition imposed on the outline permission required the submission and approval of an Arboricultural Method Statement. An Arboricultural Survey Impact Assessment and Method Statement has been submitted in a separate condition discharge application to address the requirements of the condition. The details are acceptable, and the condition has been discharged.

6.9.4. The Arboricultural Survey Impact Assessment and Method Statement made an assessment of trees on site and recommended 10 trees be removed (one of which was Category U (dead or dying) and 9 were Category C). The trees need to be removed to facilitate the development, including the access way approved as part of the outline permission.

6.9.5. Whilst trees would be removed, it is proposed to introduce:

- 123 new trees and 941m of new hedgerow across residential development area. Additionally, extensive areas of climbers, shrubs, wildflowers and herbaceous plants grassland, flowering lawn, wildflower meadow and wetland meadow are proposed as part of the residential development.
- 240 new trees within and around open space areas (beyond the residential development area) along with 171m of new hedgerows.
- 166 fruit trees as part of a new community orchard.
- 8 fruiting trees near the site entrance.

6.9.6. A total of 537 new trees are proposed, the proposed extent and quality of new trees and planting is considered acceptable. 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. The development would accord with Policy DM29 of the Local Plan.

## **6.10. Ecology**

6.10.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

6.10.2. A Habitat Regulations Assessment (HRA) was carried out by the Council at the outline planning application stage, this noted that the site is located in close proximity to the Swale estuary Special Protection Areas (SPA) and as such it was likely that the future occupiers of the site will be using the SPA for recreational purposes in some instances.

6.10.3. The recreational impact on the SPA would need to be mitigated through a contribution towards the Strategic Access Management and Monitoring Strategy (SAMMS). The requirement to make the SAMMS contribution was secured as a planning obligation in the S106 legal agreement associated with the outline permission.

6.10.4. In July 2022, the Secretary of State clarified that the Habitats Regulations apply to post-permission approvals including reserved matters. Natural England's consultation response confirms the need to carry out an HRA and an Appropriate Assessment as part of the determination of this application.

- 6.10.5. Officers have undertaken an Appropriate Assessment which confirmed there continues to be a need for mitigation through a SAMMS contribution. This is already secured in the S106 legal agreement associated with the outline permission (and the contribution is index linked), in view of the existing situation relating to the SAMMS contribution the proposal would comply with Policies CP7 and DM28 of the Local Plan.
- 6.10.6. Biodiversity
- 6.10.7. 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.
- 6.10.8. 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".
- 6.10.9. This application is accompanied by a biodiversity net gain assessment which shows that development proposals (and in particular measures proposed in the landscaping strategy) result in a 22% gain in the biodiversity value of habitats within the site.
- 6.10.10. Protected species
- 6.10.11. A condition (14) was imposed on the outline permission requiring a method statement for ecological mitigation, including reptiles, invertebrates, bats and nesting birds. Further conditions (condition 8 'landscaping', 10 'drainage', 12 'attenuation basins', 21 'green infrastructure and biodiversity plan') were imposed which require the applicant to promote biodiversity. The relevant conditions have been approved and this proposal has been designed taking account of the approved details.
- 6.10.12. A condition is recommended requiring details of external lighting ahead of installation to ensure lighting doesn't impact bats.
- 6.10.13. Subject to the Applicant adhering to the mitigation secured at the outline application stage, the proposal would comply with Policies CP7 and DM28 of the Local Plan.

## **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 at 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 and locating development in sustainable locations. Policy DM6 of the Local Plan sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 6.11.4. 'Access' to the site was approved at the outline application stage. Whilst concerns have been raised in objections that the proposal would result in unacceptable traffic congestion, including cumulative impacts (associated with other development), the

condition of roads and highway safety issues, those matters have been previously tested at the outline stage and found to be acceptable.

- 6.11.5. Concerns have been raised that conditions have changed since the outline application was approved and as such traffic modelling should be revisited. The modelling associated with the outline application took into account existing conditions at that time and forecast growth and also factored in committed development. Impacts were found to be acceptable and 'Access' was approved in full.
- 6.11.6. The proposal approved at the outline stage includes vehicular, pedestrian and cycle access with alterations to Frogmal Lane and a new emergency vehicular access to the residential development area and highway improvements including a new roundabout on the A2 and closure of a section of Frogmal Lane within the site (to be used for pedestrians and cyclists only). The closure to motorised vehicles starts approximately 25m north of the junction with Frogmal Close and was an integral part of the outline permission.
- 6.11.7. Requests were received in response to the consultation seeking signs at the entry to the site and influence over street naming. Highway signage is strictly controlled for highway safety reasons and street naming and numbering is not a material planning consideration.
- 6.11.8. Other approved improvements include the provision of a lay-by in front of the Co-op in Teynham; an increase to the capacity of the junction of Swanstree Avenue with the A2 and Murston Road / Rectory Road, and provision of a pedestrian link along the alignment of public footpath ZR256, together with improvements to the Public Right of Way. Controls are embedded in the outline permission to ensure these improvements are delivered.
- 6.11.9. Whilst the internal roads within the site would be built to full KCC Highways adoptable standards, the Applicant doesn't intend for these to be adopted (they would be managed via a management company).
- 6.11.10. Full tracking plans and swept path analysis (for emergency, refuse and servicing vehicles and car parking) have been provided and are considered acceptable. The internal road layout has been examined and the footways, streets and turning facilities etc are acceptable.
- 6.11.11. Parking is provided for the residential development in parking bays, on street and in parking courts. Vehicle and cycle parking is proposed to be provided in accordance with the Council's adopted Swale Parking Standards (May 2020). Concerns have been raised in objections that the proposals would be located too far away from public transport, that this would mean future residents living on site would be reliant on cars. However, the site is within walking distance of the Teynham train station and bus services on the A2. A travel plan was secured at the outline stage, and that includes measures to promote sustainable forms of transport, and in view of the situation no objection is raised.
- 6.11.12. One cycle parking space is proposed per bedroom across the development in accordance with the Council's cycle parking standards. Cycle storage would be provided either within individual cycle stores in rear gardens, or in the case of the apartments, within dedicated cycle storage facilities.
- 6.11.13. The site accommodates PRow (ZR247 (Ash Path); Frogmal Lane and ZR256 (Frogmal Fields). Full details of the PRow upgrades and closures have been agreed with the KCC

PRoW team, and funding for improvements and upgrades is secured in the S106 legal agreement.

- 6.11.14. Overall, for the residential development, 681 parking spaces are proposed (including 102 visitor parking spaces). Visitor parking spaces are proposed to be provided throughout the development; the ratio of visitor spaces is based on the Council's parking standards. The visitor spaces are evenly distributed throughout the development.
- 6.11.15. For the sports pavilion, 46 parking spaces are proposed. Advice from the KCC Highways Officer and the Council's Green Spaces Manager is that this level of parking is sufficient given the status of the sports pitches (larger spaces for coach parking are not required).
- 6.11.16. A Construction Management Plan was secured as part of the outline permission, which controls construction routes, and is considered acceptable by KCC Highways.
- 6.11.17. In conclusion, access (including matters relating to traffic congestion and highway safety) was approved at the outline stage. Whilst the internal access roads for the residential development area are to be approved at this stage, no objection is raised in terms of the proposed layout, manoeuvring areas, or parking, and as such the proposals accord with Local Plan Policies CP2 and DM6.

## **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.
- 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. An Air Quality Statement was submitted with the outline application. The report concluded that modelled predictions for NO<sub>2</sub> and PM<sub>10</sub> concentrations at receptors along the A2 London Road indicated that there would be a Negligible to Slight Adverse impact, as a result of traffic generated by the development. Mitigation measures were suggested in line with an emissions cost calculation for the development.

6.12.6. Condition 38 imposed on the outline permission requires a scheme of mitigation measures in relation to improving air quality to be approved prior to occupation of any dwellings. The current proposals would not change the findings approved as part of the outline permission, and subject to compliance with condition 38, the application would accord with Local Plan Policy DM6.

### **6.13. Community Infrastructure**

6.13.1. Local Plan Policies CP5, CP6 and the site-specific Policy MU4 set out that provision shall be made to accommodate local community services, education, social care and health facilities within new developments.

6.13.2. As with any planning application, the request for financial contributions and other planning obligations 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 required if it is:

- Necessary.
- Related to the development.
- Reasonably related in scale and kind.

6.13.3. Planning obligations necessary to mitigate the impact of the development were secured at the outline stage. Concerns have been raised in objections that existing social infrastructure doesn't have the capacity to cope with the additional population that would live in the proposed development. This was a matter considered at the outline stage. Planning obligations secured at the outline stage include:

- Affordable housing,
- Contributions to fund offsite highways works delivered by the Highway Authority,
- Offsite highway works delivered by the developer,
- Adult social care contribution,
- Delivery of allotments,
- Refuse and recycling contribution,
- SAMMS contribution,
- Play area contribution,
- Library service contribution,
- Education contributions,
- Youth services contribution,
- Travel plan,
- Employment and training,
- Delivery of sports pitches and pavilion,
- Financial contribution towards enhancements of Public Rights of Way delivered by KCC.
- Delivery of enhancements of Public Rights of Way delivered by the developer.
- Phasing.

6.13.4. The existing legal agreement requires the funding for health facilities to be spent towards increasing the capacity of the GP surgery at London Road, Teynham (to be able to accommodate more patients).

6.13.5. The Teynham GP surgery closed in 2023 and the building's owner, subsequently sold the site. Since the surgery closed, the local GP has relocated to Sittingbourne.

Discussions with the NHS and GP indicate the desire for the GP practice to return to Teynham (to a different premises).

- 6.13.6. The detailed wording of the S106 legal agreement now needs to be varied such that S106 contribution can be directed to a different (available) site, i.e., it should no longer be restricted to be spent on the former (now closed and sold) London Road medical facility.
- 6.13.7. There is land within the site which is identified as a location for a future medical facility, however this does not sit within the redline site of the current application, nor is it within the ownership of the Applicant. Advice from the NHS is that the land is too small to accommodate a new GP facility to meet the needs of Teynham's residents. The Applicant and officers remain engaged with the NHS to assist in finding a location in the Teynham area where the GP could locate.
- 6.13.8. A deed of variation to the legal agreement is recommended so that the health care contribution can be directed in a logical and flexible manner in the vicinity of Teynham.
- 6.13.9. Teynham Parish Council requested a condition be imposed restrict occupation of the new homes until medical/GP facilities have been built and operational within the village. The NHS have not requested such a restriction and a planning condition of this nature would not meet the planning tests for conditions. It is important to highlight that the development will contribute approximately £260,000 in S106 Healthcare contributions for spending on increasing local GP capacity.
- 6.13.10. Emergency Services were consulted as part of the outline application and did not seek funding for additional capacity at that stage.
- 6.13.11. Subject to the deed of variation (which the applicant has agreed to) the application would accord with Policies CP5, CP6, MU4, 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. All dwellings have an area of private amenity space; private rear gardens for houses and balconies for the apartment blocks. Communal amenity space is also proposed.
- 6.14.3. 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	0.78	0.8	No
Natural and semi natural greenspace	4.36	3.09	6	No
Formal outdoor sport	1.09	0.77	3.72	No
Amenity Greenspace	0.45	0.32	0.60	No

Provision for children and young people	0.24	0.17	0.25	No
Formal Play facilities				Yes
Allotments	0.2	0.14	0.25	No

- 6.14.4. As the table above shows, there is a shortfall in formal play facilities, however the open space area central to the residential area (the Green) would include doorstep play and passive recreation. The outline permission secured a contribution of £85,700 towards off site play space, as such no objection is raised in relation to play space.
- 6.14.5. The central open space, in combination with proposed street trees, would contribute to the green infrastructure of the site and build connection to the existing green buffers surrounding the site. Opportunities for seating and play would be provided in the form of timber benches and small amount of play equipment, supplemented with informal features such as boulders.
- 6.14.6. Concerns have been received in consultation responses that the central area of open space lacks impact. However, officers are of the view that the open space would perform an important function and that overall, the proposal includes significant over provision of sports space, natural green spaces, amenity green spaces and allotments. It is also noted that the houses would have private gardens. The Council's Open Spaces Manager advised that further details are required in relation to:
- The detailed construction plans for the sports pavilion including an alarm security system and mechanical engineering of systems.
  - Details to demonstrate the pavilion would be robust and appropriate for a public use building.
  - Fencing the sports field to be secured from vehicle access and to prevent balls from annoying neighbours (including defensible space fronting the car park to the field).
  - Lighting of the sports pavilion main entrance, pedestrian access from road and car park.
  - Detailed specification/construction detail for the sports pitches including appropriate pitch drainage.
- 6.14.7. In relation to allotments, the entrance gate would need to be of a size to allow any deliveries, and a communal area within allotments should be provided to allow for activities/building etc and for allotments to be provided with services electric and water.
- 6.14.8. It should be noted that the S106 legal agreement associated with the outline permission includes a requirement for the developer to provide the precise and detailed specification for the sports pitches and pavilion to be submitted to and be approved by the Local Planning Authority. The S106 legal agreements requires the pavilion include:
- Four changing rooms with WC and Shower facilities.
  - Official's changing room with WC and Shower facilities.
  - Small kitchen.
  - Social/communal space.
  - Storage; and
  - Small office.
- 6.14.9. Concerns have been raised that the sports pitches and allotments are to be let at a peppercorn rent for a finite period, after which costs may increase. However, the period for which the pepper corn rent is available is embedded in the existing S106 legal

agreement associated with the outline permission and nothing has changed which would justify renegotiation. There is a further clause in the legal agreement requiring that details of the proposed allotments be submitted to and be approved by the Local Planning Authority. The S106 requirement also stipulates when the pavilion, sports pitches and allotments are to be delivered.

- 6.14.10. The S106 legal agreement associated with the outline permission sets out the specification for the sports pavilion, and the proposed pavilion building accords with the specification, which requires:
- 6.14.11. The information provided as part of this application is acceptable in terms of layout, scale appearance and landscaping. In view of the further requirements that must be met (secured in the S106 legal agreement) officers are satisfied that the further information requested by the Council's Open Spaces Manager will be provided in accordance with the requirements secured in the S106 legal agreement.
- 6.14.12. Sport England advised that as a statutory consultee they require involvement agreeing the full detailed specification for the sports pitches and pavilion, when this comes forward in accordance with the terms of the S106 legal agreement.
- 6.14.13. Taking account of the nature and scale on-site open space proposals, no objection is raised to the proposal in relation to 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.

##### Flood Risk

- 6.15.2. The site is allocated for development under Policy MU4 of the Local Plan, and as part of the site allocation process the site's suitability for development in terms of flood risk was sequentially tested and found to be acceptable. Paragraph 170 of the NPPF is clear that where planning applications come forward on sites allocated in the development plan applicants need not apply the sequential test again.
- 6.15.3. The outline application was accompanied by a Flood Risk Assessment (FRA), this identified that the site is in Flood Zone 1; therefore, the risk of the Proposed Development exacerbating flooding to neighbouring properties (through floodplain displacement) is negligible.
- 6.15.4. The FRA also identified that the risk of the proposal exacerbating flood risks from tidal / coastal, groundwater and artificial sources to neighbouring property is negligible to low. This reserved matters application does not change the findings established at the outline stage. No objection is raised to the proposal in relation to flooding from rivers or the sea.

##### Surface water drainage

- 6.15.5. 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.
- 6.15.6. To mitigate the risk of the development exacerbating flood risks from pluvial and overland flow flood sources to neighbouring property it is proposed to utilise SuDS for surface water drainage. A series of conditions were imposed on the outline permission to secure the following:



- Full details of the method of disposal of surface waters as part of a detailed drainage strategy (condition 10),
- Detailed designs for attenuation basins (condition 12).
- A Drainage Management Plan for the surface water drainage scheme (condition 13).
- Controls over drainage systems for the infiltration of surface water drainage (condition 18).

6.15.7. The Applicant has submitted details to discharge the relevant conditions which are acceptable, and the conditions have been approved. The proposals in this reserved matters application align with the details in the conditions.

6.15.8. No objection has been raised by the KCC Flood and Water Management, the Environment Agency, Lower Medway Drainage Board or Southern Water.

6.15.9. In conclusion the risk of flooding at the site, as well as how it is proposed to deal with drainage in a sustainable way has been considered. The proposals accord with Local Plan policies CP7, DM21 and DM23.

## **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 issue of contamination was examined as part of the outline application, this identified that potential contaminative land uses on-site include agricultural activities that could have resulted in the use of pesticides and fertilisers and the operation of the electrical substation at the southeast boundary of the site. A shed located in the northwest of the sports grounds was constructed before 1990s and therefore there would be the potential presence of Asbestos Containing Materials. Historical contaminated land uses onsite include chalk/clay pits, electrical substation and wash mill, and tramway lines.

6.16.3. Conditions were imposed on the outline application to secure the following:

- Intrusive investigations to identify contamination.
- A remediation strategy.
- Verification that remediation has been carried out.
- Controls over infiltration of surface water drainage and piling.
- Measures to deal with any unexpected contamination found during construction.

6.16.4. The Applicant has submitted details to discharge the relevant conditions which are acceptable, and the conditions have been approved. The proposals in this reserved matters application align with the details approved pursuant to the conditions.

6.16.5. No objection has been raised by the Environmental Health Officer to this reserved matters application or to the details submitted to discharge the conditions in relation to contamination. Given the conditions imposed at the outline stage (and that the Applicant is adhering to these) the application would accord with paragraph 189 of the NPPF, and no objection is raised.

## **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. Paragraph 130(f) of the NPPF states that

decisions should ensure high standards of amenity for existing and future users. 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. A condition (34) was imposed at the outline stage to secure a Construction and Environmental Method Statement (CEMS) to mitigate impacts during construction. A Construction Environmental Management Statement (CEMS) has been submitted to address condition 34 of the outline permission and approved in permission ref: 23/502581/SUB. This sets out and details how the scheme will be constructed and appropriate measures to reduce the impact on neighbouring properties to safeguard residential amenity.
- 6.17.3. The CEMS confirms that general information regarding the scheme will be provided to all neighbours affected by the work. Regular communication with neighbours, including adjacent residents, traders and businesses regarding programming and site activities would be maintained from pre-start to completion via a nominated point of contact. A site information board would be located at the site entrance displaying general information relating to the development, including name, telephone number and address of the senior manager on site should a member of the public wish make contact.
- 6.17.4. The Applicant has complied with the requirements of the CEMS condition to the satisfaction of the Environmental Health officer and Highway officer. The condition requires the developer to adhere to the CEMS, and as such construction impacts would be mitigated.
- 6.17.5. Most of the proposed development is set well away from existing residential occupiers, however there are instances where there are adjacencies, specifically to the south and eastern boundaries and to existing residences on Frogmal Lane (including 47 Frogmal Lane).
- 6.17.6. Officers required the Applicant to provide additional evidence to demonstrate that the location of existing dwellings near the site were accurately shown on the plans and drawings, this included additional surveys, measuring and site visits. Officers have validated the position of existing dwellings via site visits and taking measurements. The location of existing neighbouring buildings is accurate.
- 6.17.7. To the southern boundary the site adjoins residential properties in Frogmal Close and Frogmal Gardens. The outline permission required landscape buffers to these boundaries and the application accords with those parameters. Where there would be facing habitable room windows in existing and proposed dwellings the separation distance exceeds 21m.
- 6.17.8. In some instances, the side elevation of a proposed dwelling is located within 21m of a neighbouring dwelling, however there are no windows proposed in the side elevations facing existing neighbours. No objection is raised to the proposals in terms of overlooking or loss of privacy to existing neighbours.
- 6.17.9. Existing landscaping along the boundaries is to be retained and additional landscaping is proposed. Given the limited scale of proposed dwellings and the separation distances, there would be no undue loss of privacy, light or outlook for existing occupiers.
- 6.17.10. It is proposed to locate a foul water pumping station and electrical substation towards Frogmal Lane properties (the nearest being 47 Frogmal Lane).

- 6.17.11. The design of the foul water pumping station is such that the majority of the installation is below ground (the pump and foul water are below ground in engineered chambers). Above ground would be cabinets approximately 2m in height accommodating plant and equipment. The installation would be within a fenced compound.
- 6.17.12. Concerns have been raised in objections in relation to the proximity of the foul water pumping station to residential homes. The concern being that odour from the pumping station could impact residential amenity. Southern Water require there be at least at 15m separation between the pumping station and any habitable rooms for this reason. In this case the pumping station would be at least 45m from any habitable room and 18m from the end of the nearest neighbouring garden (at 47 Frognal Lane).
- 6.17.13. While the separation distance is considered sufficient to mitigate potential impacts from the pumping station, a condition is recommended to secure noise and odour assessments (along with any necessary mitigation required).
- 6.17.14. Conditions are imposed on the outline permission to ensure lighting and light spill during the construction period does not have an adverse impact on residential amenity. The application is accompanied by a lighting report which examines light spill and demonstrates that the external street lighting would not result in light spill to neighbouring dwellings.
- 6.17.15. Whilst the information is acceptable for this stage of the planning process, the Environmental Health officer has requested a condition be imposed on any permission to secure further assessment and testing (to comply with Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light) to ensure lighting doesn't impact on residential amenity. Condition 5 is recommended to secure this.

#### Future residents

- 6.17.16. 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).
- 6.17.17. 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.
- 6.17.18. In terms of noise, the outline permission requires all of the new dwellings to be fitted with thermal double-glazing that will ensure that internal noise levels meet all of the criteria of BS8233:2014.
- 6.17.19. New residential development should generally provide dual-aspect accommodation and overlooking between dwelling on the site (as well as to neighbours) should be avoided. The proposed new dwellings are dual-aspect and the distances between facing habitable room windows in the proposed homes is at least 21m.
- 6.17.20. The flats all benefit from access to communal (external) amenity space. The proposed houses would all have private rear gardens. It is proposed to provide a generous amount communal external amenity space including the sports pitches to the north, orchard and other open spaces to the western end of the site.
- 6.17.21. In relation to the ground floor affordable flats, in the case of Block C, its location at the northeast portion of the residential development area means that any outlook and privacy concerns are adequately mitigated.

- 6.17.22. In relation to Block B, there would be 2 flats at ground floor level, both have multiple aspects (outlook). The landscaping scheme includes landscaped areas to the front of habitable room windows in the ground floor flats of Block B with hedging between the footway and landscaped buffer. The landscaping would help mitigate concerns relating to outlook and overlooking.
- 6.17.23. The position of the cycle store for Block B and access to this and the communal bin store were revised to avoid overlooking of the habitable room windows to the ground floor flats in Block B. The quality of accommodation is considered to be acceptable.
- 6.17.24. In relation to Block D, there are 3 flats at ground floor level, to mitigate against overlooking from the street, landscape planting is proposed externally around the flats which would help create a buffer between the proposed flats and external foot ways and public spaces. Again, the quality of the affordable accommodation is considered to be acceptable.
- 6.17.25. In conclusion, in relation to living conditions of existing and future residents the application complies with Local Plan Policy DM14.

### **6.18. Sustainability / Energy**

- 6.18.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. Additionally in 2020 the Council adopted a Climate and Ecological Emergency Action Plan, which requires housing development to reduce carbon emissions by 50% compared to the Building Regulations Part L1 2013.
- 6.18.2. Policy DM19 of the Local Plan also requires new development to limit water usage to less than 110 litres per person per day.
- 6.18.3. Full details regarding energy efficiency and sustainability are required to be provided under condition 40 of the outline permission. The applicant has submitted requisite information to satisfy the terms of the condition, which is considered acceptable by the Council's Climate Change Officer and the condition has been discharged.
- 6.18.4. The energy strategy involves a high-performance fabric specification which improves upon the maximum allowable values of the building regulations. The specifications adhere to the principles of the Energy Hierarchy by taking a 'Fabric First' approach.
- 6.18.5. The energy strategy calculates the sitewide CO2 emissions target and includes detail on how this would be achieved. The development would achieve well above the requirement for a 50% reduction in carbon emissions compared to the Building Regulations Part L1 2013 (the development would achieve a 56% reduction in carbon compared to the Building Regulations Part L1 2021, which is more rigorous). The Climate Change officer has examined the energy statement and agrees with the conclusions.
- 6.18.6. Part (S) of Building Regulations (as from June 2022) requires all new build homes to have Electric Vehicle charging provision, the Applicant has committed to this which is acceptable.
- 6.18.7. The development is designed to reduce water usage to less than 110 litres per person per day. The proposals comply with Local Plan Policy DM21.

**6.19. Other matters**

- 6.19.1. Concerns have been raised in objections in relation to the capacity of the sewer network to cope with foul drainage associated with the proposed housing. Officers note that Southern Water are the authority with a duty to provide sewerage infrastructure for new and existing development, and that sewerage provision and capacity is also dealt with through legislation separate from the planning regime.
- 6.19.2. A condition was imposed on the outline permission (33) which required details of foul water drainage to be approved prior to construction. Southern Water advised that there are capacity constraints with the current sewerage system and sewer network enhancements would be required before more than 50 dwellings are occupied.
- 6.19.3. While this matter is not one that should be controlled through the planning regime the applicant has agreed to the occupation restriction. Southern Water have confirmed that they are looking to design and implement enhancements to the sewer network so the development can be fully occupied. In view of the situation, no objection is raised.
- 6.19.4. Concerns have also been raised in objections that there is not sufficient capacity in electrical and water supply to cope with the additional development. Officers note that no objections have been received from the electrical or water supply undertakers (who are the organisations with the responsibility for supply).
- 6.19.5. Concerns have been raised in relation to the potential for the construction activities to displace vermin, which may then relocate to existing residential properties. There is no evidence to suggest that the proposals would result in such an impact, and this is not a material planning consideration.
- 6.19.6. The Applicant has confirmed that they have obtained record drawings showing the location of power cables from UKPN. While there are overhead cables across parts of the site, the Applicant has entered into a contract with UKPN to divert these cables to facilitate the development. The Applicant has committed to work in accordance with UKPN standard HS(G)47 'Avoiding Danger from Underground Services'.
- 6.19.7. Concerns have been raised that members of the public were not consulted in relation to condition discharge applications; however such application are not subject to the same statutory consultation requirements as planning applications (public consultation is not required).

**6.20. Conclusion**

- 6.20.1. The starting point for determining the application is the Development Plan, 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.
- 6.20.2. The proposal would bring forward housing including affordable housing, sports facilities, open space and allotments. The site is allocated in the Local Plan for development and benefits from outline planning permission. Subject to the conditions and deed of variation to the legal agreement recommended, this reserved matters application would comply with the terms of the outline permission and the policies in the Local Plan and NPPF. No objection is raised.

**6.21. Recommendation**

6.21.1. Approval subject to conditions and a deed of variation to the S106 legal agreement.

**CONDITIONS****1. Plans**

The development hereby permitted shall take place in accordance with the following plans:

Location Plan 3097-A-1000-PL-B  
 Site Layout 3097-A-1005-PL-S  
 Site Layout 3097-C-1005-PL-S  
 Sports Pitches 3097-A-1150-PL-E  
 Parking Plan 3097-A-1700-PL-G  
 Refuse Strategy Plan 3097-A-1701-PL-G  
 Garden Compliance Plan 3097-A-1702-PL-G  
 Tenure Plan 3097-A-1703-PL-K  
 Materials Plan 3097-A-1704-PL-G  
 Boundary Treatments Plan 3097-A-1705-PL-H  
 Part M Compliance Plan 3097-A-1706-PL-G  
 Dwelling Distribution Plan 3097-A-1707-PL-G  
 PV Plan 3097-A-1708-PL-G  
 Street Elevations 3097-C-1010-PL- D  
 Street Elevations 3097-C-1011-PL- D  
 Pumping Station PT10182 - 001  
 Sub Station EDS 07-3102.01 A  
 Lighting Plan Onsite Lighting Plan  
 Betony - Plans Elevations Semi-Detached 3097-C-3000-PL-A  
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3005-PL-B  
 Daisy - Plans Elevations 3097-C-3006-PL-A  
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3007-PL-B  
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3008-PL-A  
 Daisy + Carport - Plans & Elevations (Semi-Detached) 3097-C-3010-PL-C  
 Daisy Carport - Plans Elevations Semi-Detached 3097-C-3011-PL-A-  
 Daisy & Betony - Plans Elevations Terrace x3: 3097-C-3015-PL-A  
 Daisy Betony + Carport - Plans Elevations (Terrace x3) 3097-C-3016-PL-C  
 Daisy & Betony + Carport - Plans & Elevations (Terrace x3) 3097-C-3016-PL-B  
 Daisy Betony - Plans Elevations Terrace x4: 3097-C-3025-PL-A  
 Daisy & Betony (Terrace x4) 3097-C-3026-PL-B  
 Daisy Betony - Plans Elevations Semi-Detached 3097-C-3030-PL-E  
 Goldcrest M4(2) Floor Plans and Elevations 3097-C-3035-PL-A  
 Goldcrest Carport - Plans Elevations Semi-Detached 3097-C-3040-PL-A  
 Elder - Plans & Elevations (Semi-Detached) 3097-C-3045-PL-C  
 Elder - Plans Elevations Semi-Detached 3097-C-3046-PL-A  
 Elder - Plans Elevations Semi-Detached 3097-C-3047-PL-B  
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3050-PL-D  
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3051-PL-D  
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3052-PL-B  
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3053-PL-A  
 Elder Betony - Plans Elevations Terrace 3: 3097-C-3055-PL-A  
 Elder Betony - Plans Elevations Terrace 3: 3097-C-3056-PL-A  
 Betony - Plans Elevations Terrace 4: 3097-C-3060-PL-A-Elder  
 Elder Betony Carport - Plans Elevations Terrace 4: 3097-C-3065-PL-A  
 Elder Betony - Plans Elevations Terrace 5: 3097-C-3070-PL-A

Elder Daisy - Plans Elevations Semi-detached 3097-C-3075-PL-A  
Elder, Betony Daisy - Plans Elevations Terrace x3: 3097-C-3080-PL-A  
Lupin - Plans Elevations Detached 3097-C-3085-PL-A  
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3086-PL-B  
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3087-PL-B  
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3088-PL-A  
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3090-PL-C  
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3091-PL-C  
Lupin - Plans Elevations Semi-Detached 3097-C-3095-PL-A  
Lupin Carport- Plans Elevations Semi-detached 3097-C-3100-PL-C  
Lupin Carport- Plans Elevations Semi-detached 3097-C-3101-PL-B  
Lupin Carport- Plans Elevations Semi-detached 3097-C-3102-PL-C  
Lupin Elder Carport- Plans Elevations Semi-detached 3097-C-3105-PL-B  
Osprey - Plans & Elevations (detached) 3097-C-3125-PL-C  
Osprey - Plans & Elevations (detached) 3097-C-3126-PL-B  
Osprey - Plans & Elevations (Semi-detached) 3097-C-3130-PL-E  
Osprey - Plans & Elevations (Semi) 3097-C-3135-PL-B  
Osprey & Betony- Plans & Elevations (Semi-Detached) 3097-C-3140-PL-C  
Osprey Betony- Plans Elevations (Semi-Detached)3097-C-3141-PL-C  
Osprey and Betony and Carport- Plans and Elevations Semi-Detached 3097-C-3145-PL-D  
Osprey & Elder - Plans & Elevations (Semi-Detached) 3097-C-3150-PL-C  
Osprey & Elder - Plans & Elevations (Semi-Detached) 3097-C-3155-PL-C  
Osprey & Lupin - Plans & Elevations (Semi-Detached) 3097-C-3160-PL-D  
Osprey & Lupin - Plans & Elevations (Semi-Detached) 3097-C-3161-PL-C  
Redwing + Carport - Plans & Elevations (Detached) 3097-C-3165-PL-C  
Redwing + Carport - Plans & Elevations (Detached) 3097-C-3166-PL-C  
Redwing + Carport - Plans & Elevations (Semi-detached) 3097-C-3170-PL-C  
Redwing + Carport - Plans & Elevations (Semi-detached) 3097-C-3170-PL-A  
Block B Affordable Floor Plans 3097-A-3210-PL-D  
Block C and D Affordable Floor Plans 3097-A-3220-PL-B  
Block B Affordable Elevations 3097-C-3211-PL- E  
Block C Affordable Elevations 3097-C-3221-PL-B  
Block D Affordable Elevations 3097-C-3222-PL-A  
Stores 3097-A-3300-PL-C  
Car Ports 3097-A 3301-PL-B  
Pavilion 3097-C-3510-PL-C  
Design and Access Statement Rev A  
Landscape and Public Realm Strategy 3136-APA-ZZ-XX-DS-L-4001 P05  
Public Open Space General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1002 P11  
Public Open Space General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1003 P11  
Public Open Space General Arrangements Plans 3136-APA-ZZ-00-LA-L-1004 P11  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1005 P10  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1006 P10  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1007 P10  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1008 P10  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1009 P10  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1010 P10  
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1011 P10  
Planting Proposal Key plan, Legend and Horticultural Notes 3136-APA-ZZ-00-PS-L4202 P06  
Open Space Planting Proposal Sheet 1 of 9: 3136-APA-ZZ-00-PP-L-2001 P06  
Open Space Planting Proposal sheet 2 of 9: 3136-APA-ZZ-00-PP-L-2002 P06  
Open Space Planting Proposal Sheet 3 of 9: 3136-APA-ZZ-00-PP-L-2003 P06  
Open Space Planting Proposal Sheet 4 of 9: 3136-APA-ZZ-00-PP-L-2004 P06  
Open Space Planting Proposal Sheet 5 of 9: 3136-APA-ZZ-00-PP-L-2005 P06  
Open Space Planting Proposal Sheet 6 of 9: 3136-APA-ZZ-00-PP-L-2006 P06

Open Space Planting Proposal Sheet 7 of 9: 3136-APA-ZZ-00-PP-L-2007 P06  
Open Space Planting Proposal Sheet 8 of 9: 3136-APA-ZZ-00-PP-L-2008 P06  
Open Space Planting Proposal Sheet 9 of 9: 3136-APA-ZZ-00-PP-L-2009 P06  
Residential Area Planting Plans Sheet 1 of 7: 3136-APA-ZZ-00-PP-L-2010 P08  
Residential Area Planting Plans: Sheet 2 of 7: 3136-APA-ZZ-00-PP-L-2011 P08  
Residential Area Planting Plans Sheet 3 of 7: 3136-APA-ZZ-00-PP-L-2012 P08  
Residential Area Planting Plans Sheet 4 of 7: 3136-APA-ZZ-00-PP-L-2013 P08  
Residential Area Planting Plans Sheet 5 of 7: 3136-APA-ZZ-00-PP-L-2014 P08  
Residential Area Planting Plans Sheet 6 of 7: 3136-APA-ZZ-00-PP-L-2015 P08  
Residential Area Planting Plans Sheet 7 of 7: 3136-APA-ZZ-00-PP-L-2016 P08  
Plant Schedule - Open Space Areas 3136-APA-ZZ-00-PS-L4201 P05  
Plant Schedule – Residential Areas 3136-APA-ZZ-00-PS-L4202 P04  
Plant Schedule and Horticultural Notes 3136-APA-ZZ-00-PS-L4202 P06  
Public Open Space Area Schedule 3136-APA-ZZ-00-LA-L-1012 P10  
Allotment Redesign 3136-APA-ZZ-00-SK-L-0005 P1  
Site Location Plan CON608-3890 P04  
Site Wide Proposed External Levels (Sheet 1 of 2) CON608-3880 P03  
Site Wide Proposed External Levels (Sheet 2 of 2) CON608- 3881 P03  
Open Space Levels Sections Key Plan CON608-3900 P04  
Open Space Levels Sections Sheet 1 of 6: CON608-3901 P04  
Open Space Levels Sections Sheet 2 of 6: CON608-3902 P04  
Open Space Levels Sections Sheet 3 of 6: CON608-3903 P04  
Open Space Levels Sections Sheet 4 of 6: CON608-3904 P03  
Open Space Levels Sections Sheet 5 of 6: CON608-3905 P04  
Open Space Levels Sections Sheet 6 of 6: CON608-3906 P04  
Residential Site Levels Sections Key Plan CON608-3907 P03  
Residential Site Levels Sections 1 of 16: CON608-3908 P03  
Residential Site Levels Sections 2 of 16: CON608-3909 P03  
Residential Site Levels Sections 3 of 16: CON608-3910 P04  
Residential Site Levels Sections 4 of 16: CON608-3911 P03  
Residential Site Levels Sections 5 of 16: CON608-3912 P04  
Residential Site Levels Sections 6 of 16: CON608-3913 P04  
Residential Site Levels Sections 7 of 16: CON608-3914 P03  
Residential Site Levels Sections 8 of 16: CON608-3915 P03  
Residential Site Levels Sections 9 of 16: CON608-3916 P03  
Residential Site Levels Sections 10 of 16: CON608-3917 P03  
Residential Site Levels Sections 11 of 16: CON608-3918 P03  
Residential Site Levels Sections 12 of 16: CON608-3919 P04  
Residential Site Levels Sections 13 of 16: CON608-3920 P04  
Residential Site Levels Sections 14 of 16: CON608-3921 P04  
Residential Site Levels Sections 15 of 16: ON608-3922 P03  
Residential Site Levels Sections 16 of 16 CON608-3923 P03  
Site Wide Proposed Drainage (2 Sheets) CON608-3885 P06  
Site Wide Proposed Drainage (2 Sheets) CON608-3886 P06  
Site Wide Drainage Manhole Schedules CON608-3887 P03  
Site Wide Drainage Catchment Plan CON608-3888 P03  
Site Wide Drainage Construction Details (Sheet 1) CON608-3891 P00  
Site Wide Drainage Construction Details (Sheet 2) CON608-3892 P00  
Site Wide Drainage Construction Details (Sheet 3) CON608-3893 P00  
Site Wide Drainage Construction Details (Sheet 4) CON608-3894 P01  
Site Wide Drainage Construction Details (Sheet 5) CON608-3895 P02  
Site Wide Drainage Construction Details (Sheet 6) CON608-3896 P02  
Site Wide Drainage Construction Details (Sheet 7) CON608-3897 P01  
Site Wide Drainage Construction Details (Sheet 8) CON608-3898 P01  
Site Wide Drainage Construction Details (Sheet 9) CON608-3899 P01



Basin A Levels Sections CON608-3925 P03  
Basin B Levels Sections CON608-3926 P03  
Basin C Levels Sections CON608-3927 P03  
Residential Site Visibility Splays CON608-3865 P03  
Residential Site Swept Paths Sheet 1 of 4: CON608-3866 P03  
Residential Site Swept Paths Sheet 2 of 4: CON608-3867 P03  
Residential Site Swept Paths Sheet 3 of 4: CON608-3868 P03  
Residential Site Swept Paths Sheet 4 of 4: CON608-3869 P03  
Site Wide Earthworks and Proposed Levels S38-278 Sheet 2 of 2: CON608-3879 P04  
Site Wide Earthworks and Proposed Levels S38-278 Sheet 1 of 2: CON608-3878 P04  
Site Wide Earthworks CON608-3877 P03  
Site Wide Earthworks Sheet 2 of 2: CON608-3876 P06  
Site Wide Earthworks Sheet 1 of 2 CON608-3875 P06  
Surface Water Drainage Network 1 Basin C  
Surface Water Drainage Network 2 Basin A and B  
Surface Water Drainage Network 3 Trench Soakaway  
Surface Water Drainage Network 4 Crate Soakaway  
Residential Site Road Construction Details 1 of 3: CON608-3930 P00  
Residential Site Road Construction Details 2 of 3: CON608-3932 P00  
Residential Site Road Construction Details 3 of 3: CON608-3933 P00  
S38/278 Site Access Roundabout General Arrangement Plan CON608-3700 C01  
S38/278 site access roundabout swept path analysis (1 of 2) CON608-3701 C01  
S38/278 site access roundabout swept path analysis (2 of 2) CON608-3702 C01  
S38/278 Site Access Roundabout Entry Path Curvature and Deflection CON608-3703 C01  
S38-278 Site Access Roundabout Sections Key Plan CON608-3704 C01  
S38-278 Site Access Roundabout Long-sections (1 of 2) CON608-3705 C01  
S38-278 Site Access Roundabout Long-sections (2 of 2) CON608-3706 C01  
S38-278 Site Access Roundabout Cross-sections CON608-3707 C01  
S38-278 Site Access Roundabout Levels Contours Plan CON608-3708 C01  
S38-278 Site Access Roundabout Site Clearance CON608-3709 C01  
S38-278 Site Access Roundabout Pavement Plan CON608-3710 C01  
S38-278 Site Access Roundabout Drainage CON608-3711 C01  
S38-278 Site Access Road General Arrangement CON608-3720 C01  
S38-278 Site Access Road General Arrangement CON608-3721 C02  
S38-278 Site Access Road, Swept Paths (1 of 2) CON608-3722 C02  
S38-278 Site Access Road Sections Key Plan CON608-3723 C01  
S38-278 Site Access Road Sections Key Plan P05 CON608-3724 C02  
S38-278 Site Access Road Long-Sections (1 of 3) CON608-3725 C01  
S38-278 Site Access Road Long-Sections (2 of 3) CON608-3726 C01  
S38-278 Site Access Road Long-Sections (3 of 3) CON608-3727 C01  
S38-278 Site Access Cross-sections CON608-3728 C02  
S38-278 Site Access Road & Roundabout Construction Details (1 of 8) CON608-3712 C01  
S38-278 Site Access Road & Roundabout Construction Details (2 of 8) CON608-3713 C01  
S38-278 Site Access Road & Roundabout Construction Details (3 of 8) CON608-3714 C01  
S38-278 Site Access Road & Roundabout Construction Details (4 of 8) CON608-3715 C01  
S38-278 Site Access Road & Roundabout Construction Details (5 of 8) CON608-3716 C01  
S38-278 Site Access Road & Roundabout Construction Details (6 of 8) CON608-3717 C01  
S38-278 Site Access Road & Roundabout Construction Details (7 of 8) CON608-3718 C01  
S38-278 Site Access Road & Roundabout Construction Details (8 of 8) CON608-3719 C01  
S38-278 Site Access Road Levels Contours Plan (2 Sheets) CON608-3730 C01  
S38-278 Site Access Road Levels Contours Plan (2 Sheets) CON608-3731 C02  
S38-278 Site Access Road Swept Paths (2 of 2) CON608-3732 C02  
S38-278 Site Access Road Site Clearance CON608-3733 C02  
S38-278 Site Access Road Pavement Plan CON608-3734 C01  
S38-278 Site Access Road Pavement Plan CON608-3735 C01

S278 Site Access off Frognal Lane Pavement Plan CON608-3774 C01  
 S278 Site Access off Frognal Lane Site Clearance CON608-3775 C02  
 S278 Site Access off Frognal Lane Construction Details (1 of 2) CON608-3776 C01  
 S278 Site Access off Frognal Lane Construction Details (2 of 2) CON608-3777 C01  
 S278 Site Access off Frognal Lane Construction Details (sheet 3) CON608-3778 C01  
 S38-278 Roundabout and Site Access Setting Out - Sheet 1: CON608-3795 C01  
 S38-278 Roundabout and Site Access Setting Out - Sheet 2: CON608-3796 C01  
 S38-278 Roundabout and Site Access Setting Out - Sheet 3: CON608-3797 C02  
 S278 London Road Loading Bay and Site Clearance CON608-3810 C01  
 S278 London Road Loading Bay Swept Paths CON608-3811 C01  
 S278 London Road Loading Bay Levels and Pavement CON608-3812 C01  
 S278 London Road Loading Bay Construction Details CON608-3813 C01  
 S278 London Road Loading Bay Construction Details Sheet CON608-3814 C01  
 S278 London Road PROW General Arrangement CON608-3850 P04  
 S38-278 Overall Highway Drainage Contribution Areas CON608-3862 P02  
 S38-278 Overall Highway Drainage Contribution Areas P01: CON608-3863 P03  
 S38-278 Site Access Roundabout Gully Catchment Plan P01: CON608-3871 P02  
 S38-278 Site Access Roundabout Gully Catchment Plan P01: CON608-3872 P02  
 S38-278 Site Access Roundabout Drainage Long Sections CON608-3873 P01  
 S38-278 Site Access and Roundabout Legal Plan CON608-3874  
 S38-278 Site Access Road Gully Catchment Plan (2 Sheets) CON608-3739 P02  
 S38-278 Site Access Road Gully Catchment Plan (2 Sheets) CON608-3740 P03  
 S38-278 Site Access Road Drainage CON608-3737 C01  
 S38-278 Site Access Road Drainage CON608-3738 C02  
 Road General Arrangement CON608-3950 P00  
 Site Access Roundabout Construction Details CON608-4000 C01  
 S278 Site Access off Frognal Lane GA CON608-3770 C02  
 S278 Site Access off Frognal Lane Swept Paths CON608-3771 C02  
 S278 Site Access off Frognal Lane Sections CON608-3772 C02  
 S278 Site Access off Frognal Lane Levels, Contours and Gully Catchment CON608-3773 C01  
 Preliminary Exploratory Hole Logs  
 BRE 365 & Falling Head Testing  
 Drainage Maintenance Schedule CON608\_001\_002  
 Boundary Sections 3097 A 1015 PL B  
 Maintenance access to southern boundary 3136-APA-ZZ-00-SK-L-0006 P01

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

## 2. Materials

No development beyond the construction of foundations shall take place until further details of boundary treatment, construction details of buildings and 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.

Details and samples of materials shall be provided for windows, areas of glazing, balconies, soffits building entrances, and any other materials, presented on a materials palette board, accompanied by elevation drawings indicating exactly where the materials are to be used.

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

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

Reason: In the interest of visual amenity.

### **3. Substation and pumping station**

Prior to work to install the electrical substation and foul water pumping station, full plans, elevations and details of both installations, including any fencing and associated compound shall be submitted to and approved by the Local Planning Authority.

Prior to the first use of the electricity substation or the foul water pumping station an acoustic report for both installations and an odour assessment for the foul water pumping station shall be submitted to and approved in writing by the Local Planning Authority. The reports and assessment shall address the issue of noise (including low frequency noise) and vibration from both installations and odour from the foul water pumping station to ensure that there is no loss of amenity to residential or commercial properties.

The noise and vibration assessment scheme shall ensure that the low frequency noise emitted from the electrical 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 and foul water pumping station shall be maintained in a condition so that they comply with the levels and mitigation measures specified in the approved acoustic report and odour assessment for the life of the development.

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

### **4. Historical interpretation**

No occupation of any building shall take place until a scheme of historical (including built heritage assets being Claxfield House and Claxfield Farmhouse) and archaeological interpretation has been submitted to and approved in writing by the Local Planning Authority. Examples of how to relay and interpret the archaeology and history of the site can include, but are not limited to, the use of materials, landscaping, public art and the provision of historical interpretation boards. 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.

### **5. External lighting**

No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning. This scheme shall include the Upward Light Ratio, Assessment of the sports pavilion and any illuminated pitches and Vertical spill at nearest receptors. The scheme of lighting shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: To ensure lighting is sufficient and does not adversely impact on residential amenity.

## 6. Management and maintenance

Prior to occupation, a Management and Maintenance Plan relating to non-private external spaces shall be submitted to and approved by the Local Planning Authority. The Management and Maintenance Plan shall set out:

- The scope of maintenance and management, to include roads, parking, footways, play, open space areas, boundary treatment and landscape buffers (excluding sports facilities and allotments).
- Roles and responsibilities of those carrying out maintenance and management of the site.
- The process for appointing those who will undertake management and maintenance.
- Operational procedures for inspections, repairs and non-planned maintenance such as dealing with graffiti.
- Timing and frequency of maintenance.

Thereafter the site shall be managed and maintained in accordance with the approved Management and Maintenance Plan for the life of the development.

Reason: To ensure the development continues to be accessible, to protect residential amenity and to ensure necessary infrastructure and facilities are available for the use of future residents.

## 7. Sports Facilities

a) Within 6 months of commencement of development, the following documents shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:

- (i) A programme of implementation of sports pitches and pavilion.
- (ii) Clear details over how the playing field will be inaccessible to vehicles other than those purposed for maintenance activity via gated access.
- (iii) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (iv) Where the results of the assessment to be carried out pursuant to (ii) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

## 8. Community Use

The use of the playing field and pavilion building shall not commence until a community use agreement for the sports pitches and sports pavilion has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the sports pitches, pavilion, parking and other ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review.

The playing field and pavilion building shall not operate otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facilities, to ensure sufficient benefit to the development of sport.

## 9. Screening

Within 6 months of commencement of development a Section 278 application shall be made for a scheme for landscaping to the southern side of the A2/London Road at the junction of Claxfield Lane. Thereafter the development shall be implemented in accordance with the outcome of that Section 278 application.

Reason: To reduce impacts arising from highway infrastructure to the setting of heritage assets.

### INFORMATIVES

1. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.
2. The applicant is advised to review and comply with the Mid Kent Environmental Code of Development Practice which can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
3. Pavilion design: The English Cricket Board (ECB) has a mandatory requirements which should be met when submitting details pursuant to the requirements of the S106 legal agreement. The applicant is advised to take account of requirements set out in the consultation response from Sport England when finalising the details related to the pavilion.
4. Cricket pitch: The minimum length should be 117m for minimum boundary compliance. A Labosport ball trajectory assessment should be carried out to assess whether any ball-strike risk is presented. This will establish scale and location of protective netting mitigation required as part of the development. \*Labosport is the only provider of ECB recognised ball strike assessments. They can be contacted at info@labosport.co.uk w. labosport.co.uk 0115 968 1998.
5. When submitting details pursuant to the requirements of the S106 legal agreement the size of the proposed storage building next to the pavilion will need to ensure it will be sufficient to house maintenance machinery.
6. Sport England and the Kent FA would like to be consulted around the operator of the site as there are clubs who would be interested and potentially capable of taking the site on.
7. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
8. 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.

9. 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.
10. 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.
11. 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.
12. Should the development be approved by the Local 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.
13. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

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

In accordance with paragraph 38 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

