

**PLANNING COMMITTEE – 23 MAY 2024****PART 4**

Report of the Head of Planning

**PART 4**

Swale Borough Council's own development; observation on County Council's development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

<b>4.1 REFERENCE NO: 23/503228/FULL</b>		
<b>PROPOSAL</b> Erection of three buildings to provide 51no. residential dwellings (class C3) and hard and soft landscaping, cycle and car parking and associated works.		
<b>SITE LOCATION</b> Cockleshell Walk Car Park, St Michael's Road, Sittingbourne, Kent, ME10 1AU.		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> Major – Full application		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application has been submitted by Swale Borough Council.		
<b>Case Officer</b> Simon Greenwood		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Swale Rainbow Homes Ltd <b>AGENT</b> BPTW
<b>DATE REGISTERED</b> 24/07/2023		<b>TARGET DATE</b> 28/02/2024
<b>BACKGROUND PAPERS AND INFORMATION:</b> Documents referenced in report are as follows: -  Site Location Plan 22084-FA-001 P1 Existing Site Plan 22084-FA-002 P1 Proposed Site Plan 22084-FA-100 P3 Proposed Ground Floor Site Plan 22084-FA-101 P3 Block A - Proposed Ground Floor Plan 22084-FA-105 P3 Block A - Proposed 1st-3rd Floor Plan 22084-FA-106 P2 Block A - Proposed Fourth Floor Plan 22084-FA-107 P2 Block A - Proposed Roof Plan 22084-FA-108 P2 Block B - Proposed Ground Floor Plan 22084-FA-109 P3 Block B - Proposed 1st & 2nd Floor Plan 22084-FA-110 P2 Block B - Proposed Third Floor Plan 22084-FA-111 P2		

Block B - Proposed Roof Plan 22084-FA-112 P2  
Block C - Proposed Ground Floor Plan 22084-FA-113 P3  
Block C - Proposed 1st & 2nd Floor Plan 22084-FA-114 P2  
Block C - Proposed Third Floor Plan 22084-FA-115 P2  
Block C - Proposed Roof Plan 22084-FA-116 P2  
Block A - Proposed Sections A-A and B-B 22084-FA-200 P3  
Block B - Proposed Sections C-C and D-D 22084-FA-201 P3  
Block C - Proposed Sections E-E and F-F 22084-FA-202 P3  
Proposed Southeast and Southwest Context Elevations 22084-FA-300 P3  
Proposed Northeast and Northwest Context Elevations 22084-FA-301 P3  
Block A - Proposed Southeast and Northeast Elevations 22084-FA-310 P3  
Block A - Proposed Northwest and Southwest Elevations 22084-FA-311 P3  
Block B - Proposed Southeast and Northeast Elevations 22084-FA-312 P3  
Block B - Proposed Northwest and Southwest Elevations 22084-FA-313 P3  
Block C - Proposed Southeast and Northeast Elevations 22084-FA-314 P3  
Block C - Proposed Northwest and Southwest Elevations 22084-FA-315 P3  
Drainage strategy plan (14833-TDA-XX-XX-DR-C-51001 Rev-E)  
Schedule of Accommodation 22084-600 P7  
Design and Access Statement submitted 09 October 2023  
Planning Statement submitted 12 October 2023  
Energy Statement submitted 17 November 2023  
Air Quality Assessment submitted 03 October 2023  
Daylight & Sunlight Amenity Study (Neighbouring) Report submitted 11 July 2023  
Daylight & Sunlight Amenity Study (Within) Analysis Report submitted 11 July 2023  
Preliminary Ecological Appraisal submitted 11 July 2023  
Archaeological Desk Based Assessment submitted 11 July 2023  
Arboricultural Survey submitted 11 July 2023  
Noise Impact Assessment submitted 11 July 2023  
Flood Risk Assessment 03 October 2023  
Transport Statement submitted 11 July 2023  
Biodiversity Net Gain Assessment submitted 11 July 2023

All representations received.

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

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RXMJZ7TYGZE00>

## 1. SITE LOCATION AND DESCRIPTION

- 1.1. The 0.36ha site is located in Sittingbourne town centre on Cockleshell Walk, St. Michael's Road and is currently being used as a surface level pay and display car park.
- 1.2. The site is approx. 158 metres long and approx. 30m wide for the majority of its length. It slopes downwards from the south-west to north-east before sloping moderately upwards again. There is an informal footpath running through the northern part of the

site, connecting the area to the town centre and, to the west / north-west, to Laburnum Place. There is a small group of trees to the north-east of the site.

- 1.3. The western boundary of the site adjoins the rear gardens of two storey dwellings on the eastern side of Frederick Street and 3 two storey terraced houses on Laburnum Place (Nos. 38, 39 and 40). At the southern end, the site adjoins the Troka Tyres and Car Servicing garage.
- 1.4. In terms of the wider surrounding area, to the west of the site there is predominately 2 storey terraced housing whilst Mockett Court and the Islamic Cultural Centre on Hawthorn Road are both 3 storeys high. There are residential, retail, religious and education uses to the south and east along London Road. Building heights are predominantly two and three storeys on West Street and London Road whilst there is a 4-storey residential block at the corner of West Street and Ufton Lane. To the east on West Street and High Street buildings are generally 2 storeys with pitched roofs, other than the large, flat roofed Lidl store, whilst there are 3 and 4 storey residential blocks on St. Michael's Road.
- 1.5. The site is approximately 200 metres to the south-west of Sittingbourne Railway Station and the railway line runs in an east-west direction to the north of the site, beyond which are a small group of trees. Several bus services are available within the immediate vicinity of the site.
- 1.6. The site is not located in a conservation area. The Grade II listed late mid-C19 Church of the Holy Trinity to the east of the application site (off Church Street). There is an Area of High Townscape Value located at its closest edge immediately to the south of the A2 London Road, at its junction with St. Michaels Road and West Street. The site falls within the Central Sittingbourne Area Regeneration. The site lies within a Source Protection Zone for a principal aquifer. Finally, the site is within Flood Zone 1, and therefore has a lowest probability of flooding from rivers or the sea.

## 2. PLANNING HISTORY

- 2.1. Planning permission was granted by the Council in May 2017 for a mixed use development (on six parcels of land) of 212 residential apartments 3158m<sup>2</sup> of retail space, a multi storey car park, cinema, ground floor restaurant units, first floor D2 use, amendments to the road network and the creation of a new public square in Sittingbourne Town Centre (ref. 14/505440/FULL).
- 2.2. The above consent granted approval for 62 one and two bedroom dwellings within 1 three storey block and 1 four storey block on the application site. The commercial elements granted approval have been built out and the consent is extant therefore the approved scheme represents a realistic fallback position.

## 3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the erection of three buildings comprising 51 residential dwellings. Block A will be five storeys in height whilst Blocks B and C will

be four storeys in height with partially set back top floors to Blocks A and B and a fully set back top floor to Block C.

3.2. The facing materials will predominantly comprise red and grey brickwork with patterning and detailing including recessed window surrounds, herringbone patterned panels and arches. Juliet balconies will be provided to the majority of units whilst 8 units will benefit from roof terraces. Soft landscaping is proposed to the front of the blocks along St. Michael's Road.

3.3. The proposed unit mix is as follows:

	One bedroom	Two bedroom	Three bedroom	Total
<b>Block A</b>	7	15	2	24
<b>Block B</b>	4	10	2	16
<b>Block C</b>	5	6	0	11
<b>Total</b>	16	31	4	51

3.4. 6 of the units (2 one bedroom and 4 two bedroom) will be secured as affordable rented tenure homes, including a two-bedroom wheelchair user flat within the ground floor of Block A.

3.5. There will be an access road between Blocks B and C and along the rear of the site. 24 car parking spaces will be provided within ground floor undercroft areas to the 3 blocks and 4 additional car parking spaces will be provided within a landscaped area to the north-west of the site.

3.6. Refuse and recycling stores will be located at ground floor level to the rear of Block A and to the front of Blocks B and C. Cycle stores will be provided at ground floor level of Blocks B and C. Block A will also accommodate an electricity substation, switch room, water tank room and plant room at ground floor level to the rear of the block.

#### 4. REPRESENTATIONS

4.1. Three rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper in accordance with statutory requirements. Full details of representations are available online.

4.2. 21 letters of representation were received in relation to the initial consultation and concerns/comments were raised in relation to the following matters: -

Comment	Report reference
Overdevelopment; excessive height and scale; excessive residential density	Paras. 6.36-6.47
Out of character	Paras. 6.36-6.47
Overbearing visual impact	Para. 6.119
Overlooking / loss of privacy at houses and gardens on Frederick Street	Para. 6.199

Overshadowing of adjacent properties; loss of sunlight and daylight	Para. 6.120
Increased noise and disturbance, light pollution, smells and litter	Paras. 6.121-6.122
Inadequate car parking; increased parking stress; increased demand for on-street car parking; existing car park is well used	Paras. 6.75-6.76 & 6.80
On-street car parking restrictions in locality should be reviewed and better enforced; inconsiderate car parking presently occurs	Paras. 6.79 & 6.81
DHA prepared the Transport Statement which seeks to justify car parking provision which falls considerably short of the standards within the Swale Borough Council Parking Standards document which was also prepared by DHA	Para. 6.75
Increased traffic, congestion and associated air pollution	Paras. 6.74 & 6.85-6.90
Public transport and sustainable transport options (cycling infrastructure) are inadequate and do not justify the low car parking provision	Paras. 6.76 & 6.78-6.79
Impaired access to the rear of properties on Frederick Street, including for waste collection, and in particular if parking occurs on access road; access to rear of Frederick Street properties should be maintained during construction process	Para. 6.83
Access road should be gated to promote security and prevent unauthorised access to rear of site	Para. 6.83
Some parking areas are secluded and should be adequately lit	Condition 28
Communal refuse storage arrangements will be problematic; refuse collections for Frederick Street residents will be impacted; increased risk of flytipping and vermin	Paras. 6.77 & 6.79
Increased pressure on local infrastructure and services including healthcare and education	Paras. 6.91-6.94
Piling works could damage nearby properties; noise from construction works	Paras. 4.8 & 6.142 and conditions 3 & 5
Crime, vandalism and anti-social behaviour take place in locality, including	Para. 4.12 and condition 25

in alleyways, and will increase with additional population	
Increased risk of crime as rear of Frederick Street properties will be screened from public view	Para. 4.12 and condition 25
Decrease in value of existing properties, including as a result of overlooking	Paras. 6.119 & 6.143
Inadequate amenity space; lack of children's play space	Paras. 6.95-6.105 & 6.130
Loss of trees; inadequate soft landscaping/planting and public realm works	Paras. 6.44-6.45, 6.48-6.51 & 6.56-6.57
River runs underneath site; Has drainage been properly considered?	Paras. 6.106-6.112
Materials will not weather well;	Para. 6.31
Land should be released for self-build homes	6.138
Council's claims that development will not generate a profit and quantum of development is required for viability reasons are questionable	Paras. 6.38-6.40
Assurances required about adequate management of the development	Para. 6.137
Spring Street Car Park would be more suitable site for a development of this scale.	Para. 6.138

4.3. A second round of consultation was undertaken on 19/10/2023 and no further comments were received.

4.4. A third round of consultation was undertaken on 11<sup>th</sup> December 2023 and 5 representations were received which reiterated previous comments and made the following additional points:

<b>Comment</b>	<b>Report reference/ clarification</b>
No changes to the application.	Revised application form received 07.12.2023
Inadequate affordable housing for disabled occupants	Para. 6.17-6.22
No disabled car parking provision.	Para. 6.82
Detrimental impact on mental health and wellbeing of residents of Frederick Steet.	Paras. 6.117-6.122
Inadequate community consultation by developer.	Para. 6.139
Application for development in Laburnum Place shows access via the road within the Cockleshell Walk application site.	Para. 6.140

Council is inconsistent in its assessment of planning matters	Para. 6.141
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- 4.5. **The Sittingbourne Society** welcomes the principle of building 51 affordable homes on previously developed land at the edge of the town centre. However, concerns are raised which are summarised as follows:-

Comment	Report reference/ clarification
Increased impact upon local services including local health services and over-subscribed secondary schools;	Paras. 6.91-6.94
Increased pressure on inadequate water and sewage treatment systems.	Para. 6.110
Impact of new development upon the wellbeing of nearby residents along Frederick Street given the height of the blocks.	Paras. 6.117-6.122
Inadequate car parking and increased pressure on on-street car parking.	Paras. 6.75-6.76 & 6.79

### CONSULTATIONS

- 4.6. **SBC Heritage:-** The proposed development will result in a low degree of less than substantial harm to the Grade II listed Church of the Holy Trinity to the east of the application site and to the Area of High Townscape Value to the south of the site.
- 4.7. If planning permission is granted conditions are requested to secure details of external finishing materials; hard and soft landscaping; external lighting; windows details and boundary treatments.
- 4.8. **Mid Kent Environmental Health:-** No objections raised subject to conditions securing a Construction Method Statement, noise mitigation measures and measures to offset traffic related air pollution.
- 4.9. **SBC Housing:** - It is proposed to deliver 6 units as affordable rented tenure homes which will contribute towards meeting needs of the area and is welcomed in affordable housing terms. The applicant has agreed to a cascade mechanism whereby a commuted sum in lieu of on-site affordable housing would be secured should no Registered Provider be willing to take on and manage the affordable housing. The applicant's aspiration is to deliver the scheme as a 100% affordable rented housing; however, the applicant is not currently able to demonstrate that the scheme can be delivered on this basis. The Section 106 agreement will need to allow the applicant to vary the affordable housing provision to account for a scenario where a 100% affordable rented scheme or another policy compliant mix is brought forward.
- 4.10. **KCC Highways:-** No objections raised subject to conditions securing the following details of a dropped kerb to be secured under a Section 278 agreement; a

Construction Management Plan; provision and permanent retention of the car parking (including EV charging spaces) and cycle parking; and permanent retention of the refuse storage facilities.

- 4.11. **Environment Agency:-** Controlled waters are particularly sensitive at this location as the site is located upon a principal aquifer within a Source Protection Zone. No objections are raised subject to conditions securing a contamination investigation, remediation strategy and verification report, and a pilling method statement.
- 4.12. **Kent Police:-** No objections subject to a condition securing crime prevention design measures and informatives.
- 4.13. **Lower Medway Internal Drainage Board:-** The site is located outside the Board's drainage district and any river catchment that drains into the drainage district, therefore the proposal does not impact on the Board's interests.
- 4.14. **Natural England:-** No objections subject to securing appropriate mitigation for recreational pressure impacts on European designated habitat sites.
- 4.15. **NHS Kent and Medway:-** The proposed development will have a direct impact on the delivery of healthcare services which will require mitigation through the payment of a financial contribution towards local healthcare services. A contribution of £34,416 is sought towards improvement of existing infrastructure or the delivery of new infrastructure in line with the area strategy.
- 4.16. **Southern Water:-** No objections raised subject to conditions and informatives.
- 4.17. **KCC Flood and Water Management:-** No objections raised subject to conditions securing a sustainable surface water drainage scheme and a subsequent verification report.
- 4.18. **SBC Urban Design:-** The proposed height, scale, massing and density of built form would show a reasonably close correlation with that of established development within the wider vicinity, and that of the extant consent, albeit the relationship of Block A with immediately adjacent development would be somewhat uncomfortable. The arrangement of three blocks is generally well resolved, re-establishing a street frontage whilst providing access to the rear of properties fronting Frederick Street. The form of the block is considered appropriate and façade composition is well considered and articulated with depth and visual interest through the interplay of materials, texture and colour. Indeed, the mass is broken up on all sides through the arrangement of bays, bricks panelling, and balconies. The design and variation in the building and across all facades is well managed and is of high quality. Overall, greatly encouraged by the proposal, particularly considering the previous consent.
- 4.19. **KCC Developer Contributions:-** The proposal will result in an impact upon the delivery of community services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The contributions sought are detailed in the community infrastructure section of this report.
- 4.20. **SBC Climate Change:-** No objections raised subject to conditions securing details of carbon reduction and sustainability measures.



- 4.21. **KCC Ecology**:- No objections raised. Developer Contributions should be sought due to the increase in dwellings within the zone of influence of a Special Protection Area and a full Appropriate Assessment should be carried out. A condition is sought to secure Biodiversity Net Gain and a breeding bird Informative is recommended.
- 4.22. **SBC Greenspace Manager**:- It is acknowledged that there are limited opportunities to provide public open space and recreation facilities within the application site. The nearest play provision at Redgrove Avenue is approximately 260m away to the north (within the 400m standard for a neighbourhood site) with the second nearest and larger facility at Tavistock Close, some 580m distance to the southwest. Financial contributions are sought towards off-site provision of play/fitness provision and formal sports provision in the locality.
- 4.23. **SBC Trees and Landscape**:- The application is accompanied by a basic tree survey. However, in view of the limited number of trees on the site it is considered that arboricultural matters can be satisfactorily addressed through the submission of an Arboricultural Method Statement and Tree Protection Plan which would be secured through a condition.
- 4.24. **KCC County Archaeologist**:- The site has a high potential for archaeology given that the southern end of the site is close to the route of the A2 (former Roman road) and to a known Anglo-Saxon burial ground. A condition is requested to assess and mitigate the impacts of development on significant archaeological remains.

## 5. **DEVELOPMENT PLAN POLICIES**

- 5.1. Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

**ST 1** Delivering sustainable development in Swale  
**ST 2** Development targets for jobs and homes 2014- 2031  
**ST 3** The Swale settlement strategy  
**ST 5** The Sittingbourne area strategy  
**CP 2** Promoting sustainable transport  
**CP 3** Delivering a wide choice of high-quality homes  
**CP 4** Requiring good design  
**CP 5** Health and wellbeing  
**CP 6** Community facilities and services to meet local needs  
**CP 7** Enhancing the natural environment - providing for green infrastructure  
**CP 8** Conserving and enhancing the historic environment  
**Regen 1** Central Sittingbourne: Regeneration Area  
**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 20** Renewable and low carbon energy  
**DM 29** Woodlands, trees and hedges

**DM 34** Scheduled Monuments and Archaeological Site  
**DM 32** Development involving listed buildings  
**DM 36** Area of high townscape value.

5.2. Supplementary Planning Guidance/Documents:

- Developer Contributions (2009)
- Sittingbourne Town Centre (2022)
- Parking Standards (2020).

6. ASSESSMENT

6.1. This application is reported to the Committee as the application has been submitted by Swale Borough Council.

6.2. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Heritage
- Archaeology
- Design of the proposed development
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

**Principle**

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

6.4. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

6.5. The site is located in Sittingbourne which is identified as the 1st tier settlement for new housing development under Local Plan policy ST 3. This is echoed in Local Plan policy

ST 5 which sets out the Sittingbourne Area Strategy and specifically identifies the application site as suitable for redevelopment. Local Plan Policy Regen 1 is concerned with the Central Sittingbourne Regeneration Area and supports the residential redevelopment of the application site with buildings of innovative and sensitive design to create new and improved townscape areas. In addition to this the site is included within the Local Plan Land Allocations for New Development (Chapter 6) and is identified to accommodate the delivery of new housing within the town centre. Taking this into account coupled with the fallback of 2014 application, the principle of new housing development in this location is considered to be acceptable in accordance with Local Plan policies ST3, ST5 and Regen 1 and the NPPF.

### Size and Type of Housing

- 6.6. 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.
- 6.7. Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs and the Strategic Housing Market Assessment. The proposed mix of housing is set out below:

Tenure	1 Bed	2 Bed	3 Bed	Total
Market	14	27	4	45
Affordable	2	4	0	6
<b>Total</b>	16	31	4	51

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

Tenure – Local Plan	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	36%	42%	15%	100%
Market Proposed	31%	60%	9%	0%	100%
Affordable Required	8%	20%	36%	36%	100%
Affordable Proposed	33.3%	66.6%	0%	0%	100%

- 6.9. 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 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	31%	60%	4%	0%	100%
Affordable Required	27%	23%	30%	20%	100%
Affordable Proposed	33.3%	66.6%	0%	0%	100%

- 6.10. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be noted that this reflects the Borough wide need.
- 6.11. In terms of the affordable tenure, advice from the Council's Affordable Housing Officer is that evidence from the housing register shows that in Sittingbourne there is considerable demand for 1 and 2 bed dwellings. Given this localised knowledge of demand, no objection is raised to the size of affordable dwellings.
- 6.12. In terms of the private housing (market tenure), the proposal would deliver a greater proportion of one and two bedroom dwellings and fewer three and four bedroom dwellings than is indicated as being required by the supporting text to Policy CP3 or the HMA (2020).
- 6.13. Again, it is noted that the mix of dwellings set out in the HMA and Policy CP3 is borough wide and does not take account of localised differences in market housing need. To account for localised differences, local housing market areas have been established which relate to specific postcode evidence. For the town of Sittingbourne, the supporting text to Local Plan Policy CP3 states that Sittingbourne has the opportunity to provide a mix of quality housing types and unit sizes. Prices are affordable and there are reasonable levels of demand from a range of consumers.
- 6.14. In terms of consumers, the Local Plan and the HMA (2020) both identify that the highest forecast increases in the number households over the plan period will be one person and lone parent households therefore there is a growing demand for 1 bed and 2 bed dwellings.
- 6.15. Given the location of the site within Sittingbourne, along with evidence from the housing register (of demand for smaller flats) and the expected increases in one person and lone parent households, it is considered that the proposed mix would provide an acceptable mix of quality housing types and unit sizes in Sittingbourne.
- 6.16. The proposal would provide an acceptable level of affordable housing and accessible housing (in accordance parts 4, 5, 6 and 7 of Policy CP3). In light of this it is considered that the proposal broadly accords with policy CP3 of the Local Plan 2017.

### **Affordable Housing**

- 6.17. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Local Plan policy DM 8 requires 10% provision of affordable housing from developments in Sittingbourne and provides for a commuted sum to be secured in lieu of on-site affordable housing in exceptional circumstances where no Registered Provider is available.
- 6.18. It is proposed to deliver 6 units as affordable rented tenure homes which will contribute towards meeting needs of the area and this is welcomed in affordable housing terms.
- 6.19. It is understood that Swale Rainbow Homes intend to apply to become a registered provider of affordable housing, at which point they would become eligible to secure grant funding for affordable housing delivery. The applicant's aspiration is to deliver the scheme as comprising 100% affordable rented housing; however, the applicant is not currently able to demonstrate that the scheme can be delivered on this basis. It is

therefore proposed that six units are secured as affordable housing in accordance with policy DM8.

- 6.20. If a 100% affordable housing scheme does not come forward then there may not be any interest from registered providers to take on the 6 homes due to challenges associated with managing small numbers of homes within a development. To account for this scenario, the applicant has agreed to a cascade mechanism whereby a commuted sum in lieu of on-site affordable housing would be secured through a Section 106 agreement, in line with policy DM8. The Section 106 agreement would also provide for the applicant to vary the affordable housing provision to another policy compliant mix, which would allow the delivery of a 100% affordable rented scheme should Swale Rainbow Homes become a registered provider and secure grant funding.
- 6.21. The affordable housing provision includes a wheelchair accessible flat to the ground floor of Block A which will be built out to Part M4(3) of the Building Regulations standards. The remaining dwellings within the development will be built out to Part M4(2) (Accessible and Adaptable Dwellings) of the Building Regulations standards.
- 6.22. The proposals are considered consistent with policies DM8 and CP3 of the Local Plan and the NPPF and are therefore acceptable in terms of affordable housing.

### **Heritage**

- 6.23. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 6.24. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. 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 that may arise and this is endorsed by the Local Plan.
- 6.25. Local Plan Policy CP 8 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. The site lies adjacent to an Area of High Townscape Value and Local Plan policy DM 36 requires that development proposals conserve or enhance the local historic and architectural character.
- 6.26. In terms of heritage impacts, there are two key receptors to be considered as follows:
- The Grade II listed late mid-C19 Church of the Holy Trinity to the east of the application site (off Church Street)

- The Area of High Townscape Value located at its closest edge immediately to the south of the A2 London Road, at its junction with St. Michaels Road and West Street.

- 6.27. The application is accompanied by a Heritage Statement which concludes that no harm would occur to the Church of the Holy Trinity through change to its setting by reason of the tree belt which lies between the proposed development and the church. It is acknowledged that the tree belt provides some screening; however, the trees within the belt are not protected under a Tree Preservation Order. Furthermore, they are not evergreen and therefore the screening effect is seasonally affected. In view of the height and massing of the proposed development it is considered that there would be some impact upon the heritage significance of the setting of the church. This harm is considered to be at the lower end of less than substantial and in light of this the benefits of the scheme will need to be balanced against the harm.
- 6.28. The application site is outside of the Area of High Townscape Value. There would be limited visibility of the development from the Area of High Townscape Value due to intervening development and the adjacent single storey retail unit. The proposed development, which is five storeys high at its southern end, would create an uncomfortable visual junction with the car servicing and retail premises. However, in view of the local level of the designation, the good quality of the elevational design treatment, the varied form of the designated area (including some taller buildings of 3 storeys and higher) and the poor contribution that the site as existing site makes to the local townscape, the proposal is considered to conserve the character and appearance of the Area of High Townscape Value in accordance with policy DM 36 of the Local Plan 2017.
- 6.29. The proposed development would result in a low degree of 'less than substantial harm' to the setting of the Grade II listed Church of the Holy Trinity. The application proposes the development of much needed housing on a brownfield site in a highly sustainable location, substantial weight is given to this benefit. The proposal would bring forward jobs and spending during the construction phase and local spending once the development is occupied, moderate weight is given to these benefits. In addition to this the applicant is proposing to achieve 177.81% Biodiversity Net Gain as part of this application, this benefit is given moderate weight.
- 6.30. In light of the benefits identified and given the low level of substantial harm identified to the setting of the Grade II listed Church of the Holy Trinity, the benefits of the scheme are considered outweigh the harm identified in accordance with policies DM 32 and DM 36 of the Local Plan 2017 and the NPPF.
- 6.31. The Council's Heritage Officer has requested conditions to secure details of external finishing materials; hard and soft landscaping; external lighting; windows details and boundary treatments. These conditions would ensure an appropriate quality of detailed design and materials therefore can be reasonably imposed.
- 6.32. In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

## Archaeology

- 6.33. The application is accompanied by an Archaeological Desk Based Assessment which identifies moderate potential for prehistoric, Roman, Medieval and post Medieval remains on the site. Burials from the early medieval period are considered less likely but would be of high heritage significance and the assessment acknowledges that an archaeological investigation would be required.
- 6.34. The KCC Archaeologist has advised that the site has a high potential for archaeology given that the southern end of the site is close to the route of the A2 (former Roman road) in close proximity to a known Anglo-Saxon burial ground. A condition is recommended to assess and mitigate the impacts of development on significant archaeological remains.
- 6.35. The proposals are considered acceptable in relation to archaeology and are considered to accord with Local Plan policy DM34 and the NPPF.

## Design of the proposed development

- 6.36. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 6.37. It is considered that, relative to its setting, the site appears as a somewhat incongruous gap in the streetscape, partly through the intrinsically unattractive character of the car park itself and by exposing the irregular backs of buildings facing Frederick Street. Considered as a whole, the site makes a negative contribution to the character of the area, detracting from the appearance of the street scene along St. Michael's Road. Redevelopment of the site presents an opportunity to repair and improve the townscape in this part of Sittingbourne Town Centre.
- 6.38. The previously approved scheme (ref. 14/505440/FULL) comprised 2 four storey blocks. The larger block was approx. two thirds of the length of the existing car park and the unbroken frontage would have contributed to a somewhat bulky and unrelieved appearance. The footprint of the smaller consented block extended further to the north of the site than the current proposal, which would have further accentuated the mass of the blocks. However, the Council considered that the proposal represented an appropriate scale of development which would enhance the character and appearance of the area.
- 6.39. The current proposals represent an evolution of the previous design and involves the erection of 1 five-storey block and 2 four-storey blocks accommodating 51 dwellings. The proposals therefore represent an increase in the height of the development with an additional storey proposed to Block A, the southernmost block. The height of Block A is considerably higher than development within the immediate context, in particular the Troka Tyre and Car Servicing premises and adjacent single storey retail unit to the south, resulting in a somewhat uncomfortable relationship. However, the proposed development would represent a reduction in density and mass in relation to the previously approved scheme and the revised arrangement, involving three separate blocks, would provide for a more spacious layout and a more contextually appropriate

appearance on the street scene. The proposed height, scale, massing and density of built form would show a reasonably close correlation with that of established development within the wider vicinity.

- 6.40. The arrangement of three blocks would re-establish a street frontage whilst providing access to the rear of properties fronting Frederick Street. The frontage of each block would align with St. Michael's Road which, together with the landscaped strip and new planting providing good definition and enclosure of the road. The blocks will feature set-backs at top floor level with a contrasting, darker coloured brick which will serve to detract from the bulk and massing the buildings.
- 6.41. The blocks' simple form and elevations comprising a simple palette of materials, repeating window patterns, balconies and a range of decorative brickwork features would give the building a contemporary aesthetic which acknowledges Sittingbourne's history of brickmaking. Façade composition is well considered and articulated with depth and visual interest achieved through the interplay of materials, texture and colour. The mass is broken up on all sides through the arrangement of bays, bricks panelling, and balconies. Facades also include legible entrances with brick arches in contrasting buff brick and window openings have been positioned to provide passive surveillance to the street and public realm. The design and variation in the building and across all facades is well managed and is of high quality.
- 6.42. Given the reliance of brick to express volume and character it is crucial that the physical and aesthetic qualities of these materials have a richness and variety in the surface colour and texture so samples of materials and details would be required by condition.
- 6.43. The Council's Urban Design Officer has reviewed the proposals and supports the layout of the scheme and the detailed architectural approach, but notes that the height of Block A is not responsive to the immediate context and would contrast with the adjacent lower rise buildings. However, overall, it is considered that the proposal represents a significant improvement over the previously consented scheme in design terms.
- 6.44. Opportunities for landscaping are limited in view of the constraints of the site and the opportunity to optimise the development potential of the site to deliver housing in a sustainable town centre location. Grassed strips will be provided to the front of the blocks on St. Michael's Road with clay paving installed to facilitate access to pedestrian entrances, cycle stores and bin stores.
- 6.45. A landscaped area will be provided within the northern part of the site adjacent to houses on Laburnum Place where parking is to be provided. The scheme is considered to be acceptable subject to conditions securing a detailed scheme of hard and soft landscape works, external lighting and boundary treatment details to be submitted.
- 6.46. While it is acknowledged that Block A added additional mass to the streetscene, the development will result in an improvement in townscape terms, having particular regard to the negative impact of the existing car park and the arrangement and detailed



architectural treatment of the proposed blocks. Furthermore, the proposed development is considered to represent a significant improvement over the previously approved scheme.

- 6.47. Accordingly, it is considered that the design and appearance of the proposed development including landscaping is acceptable and is in accordance with policy CP 4 of the Local Plan 2017 and the NPPF.

### **Trees**

- 6.48. Local Plan policy DM 29 seeks, inter alia, to protect, enhance and sustainably manage trees and to ensure that development proposals take reasonable opportunities to provide new trees to maintain and enhance the character of the locality and provide for an attractive living and working environment.
- 6.49. The application is accompanied by a Tree Survey which identifies a group of category C (lower value) trees within the surface car park along the southern boundary adjacent to the Troka Tyre and Car Servicing premises. The applicant is proposing to remove these trees to facilitate the development and 4 replacement trees are proposed to offset their loss. The replacement trees will be planted within the northern part of the site adjacent to houses on Laburnum Place where resident's car parking is proposed.
- 6.50. The Council's Trees Officer raises no objections to the proposal and requests that a condition is attached to any planning permission to secure an Arboricultural Method Statement.
- 6.51. In view of the low value of the trees to be removed and the replacement tree planting proposed it is considered that the proposal satisfactorily addresses Local Plan policy DM29 and the NPPF.

### **Ecology**

- 6.52. 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 CP 7 and DM 28 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.
- 6.53. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'

- 6.54. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 6.55. In terms of the Local Plan policy DM 28 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.
- 6.56. The application is accompanied by a Preliminary Ecological Appraisal which identifies that the site has a low ecological value although there may be a loss of biodiversity as a result of the removal of modified grassland, introduced shrub and trees on the site. The proposal is likely to be inconsequential for bat and bird populations and any impacts on bat activity and birds' nests on the site can be mitigated through low impact lighting, appropriate precautions and best practice.
- 6.57. The application is accompanied by a Biodiversity Net Gain (BNG) Assessment which identifies a baseline habitat value of the site of 0.22 BNG units whilst the post development habitat value of the site is projected to be 0.47 units, representing a BNG net gain of 117.81%.
- 6.58. Since the proposed development will result in 51 residential dwellings on the site, impacts to the SPAs and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development, there is no scope to provide on-site mitigation and in such circumstances off site mitigation is normally required by means of developer contributions at the rate of £328.27 per dwelling, which has been agreed by the applicant. In accordance with the Conservation of Habitats and Species Regulations 2017, for completeness an Appropriate Assessment has been completed and is set out below.
- 6.59. The KCC Ecology Officer has reviewed the Preliminary Ecological Appraisal and advises that sufficient ecological information has been provided. A condition is requested to secure details of measures to deliver biodiversity net gain. Developer contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.
- 6.60. Natural England raise no objection to the development subject to securing appropriate mitigation for recreational pressure impacts on the Special Protection Areas, which will be done by way of financial contribution.

#### **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017**

- 6.61. This Appropriate Assessment (AA) has been undertaken without information provided by the applicant. The application site is located within 6km of Swale Special Protection Area and Medway Estuary and Marshes Special Protection Area (SPA) and their respective Wetlands of International Importance under the Ramsar Convention (Ramsar Site) which is a European designated site afforded protection under the

Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

- 6.62. SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 6.63. The proposal is for residential development and future occupiers may visit the protected site for recreational purposes (creating recreational pressure). Therefore, the proposal has the potential to affect the Medway Estuary and Marshes SPA's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 6.64. In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.
- 6.65. The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 6.66. However, the development is of a small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to appropriate mitigation measures.
- 6.67. Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation should be in place before dwellings are occupied.
- 6.68. Due to the scale of development there is no scope to provide on-site mitigation such as an on-site dog walking area. Based on the correspondence with Natural England, off site mitigation is required.
- 6.69. In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures can be implemented within the SPA from

collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. It is therefore considered that any adverse effect on the integrity of the SPA can be satisfactorily addressed through a financial contribution of £16,016.55 (£328.27 per dwelling) which has been agreed by the applicant.

- 6.70. Subject to mitigation (to be secured as a planning obligation) there would be no adverse impact on the integrity of the SPA and the development would comply with Local Plan policy DM 28.

### **Transport and Highways**

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

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

- 6.72. The NPPF 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.”*

- 6.73. Local Plan policy DM 6 promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/or safety standards are compromised proposals will need to mitigate harm.

- 6.74. In view of the existing car park use of the site the development will result in a reduction of 71 vehicle movements during the morning peak hour and a reduction of one vehicle movement during the evening peak hour.

- 6.75. Residential car parking standards are set out in Appendix A of the Swale Borough Council Parking Standards SPD. The site lies within a town centre location where the ‘advisory’ standards indicate that 1 space per unit should be provided. However, ‘advisory’ standards are provided where the accessibility of the locations is likely to justify a reduced provision than that detailed. The guidance advises that a lower provision should be considered for areas with good accessibility by sustainable transport modes and/or where effective mitigation measures are in place, which include Travel Plans and Controlled Parking Zones.

- 6.76. The proposals include 28 car parking spaces, 24 spaces will be located in under crofts to the three blocks at ground floor level. The remaining four parking spaces will be located within a small parking court to the north of the site, adjacent to block C near the houses on Laburnum Place. The proposed car parking provision falls considerably short of the advisory standard. However, the site occupies a sustainable location with good access to bus and train services whilst amenities and services are available within walking and cycling distance of the site. A Travel Plan would be secured through a Section 106 agreement whilst mitigation is provided through Controlled Parking Zones in the locality. It is therefore considered that the proposed car parking would represent adequate provision.

- 6.77. Refuse and recycling bins have been located at ground level in communal bin stores to the rear of Block A and to the front of Blocks B and C. Collections for the existing properties on Frederick Street will take place at the rear of the site, in line with existing arrangements. A vehicle swept path analysis has been provided which demonstrates that a refuse vehicle and other large vehicles such as a fire tender can satisfactorily access and egress the site.
- 6.78. The development proposes a total of 52 cycle storage spaces. A shared store containing 40 cycle spaces is proposed on the ground floor of Block B which will serve residents of Blocks A and B. An additional store within the ground floor of Block C will 12 spaces.
- 6.79. KCC Highways have been consulted and have raised no objections in terms of impacts on the highways network and the proposed car parking, cycle storage and refuse storage, subject to conditions to be imposed should planning permission be granted.
- 6.80. Objections have been received noting that the current car park is well used. New car parking has been delivered in the town centre over recent years and it was anticipated that this additional capacity would facilitate the redevelopment of the application site.
- 6.81. An objection has been received noting that inconsiderate car parking presently occurs and parking restrictions in the area are not adequately enforced. As noted above the proposal is considered acceptable in terms of highways impacts and parking and these are concerns that fall to be addressed by the Council through parking enforcement.
- 6.82. A neighbouring resident has commented that no disabled car parking is proposed. Two spaces within the undercroft to Block B can be enlarged to provide disabled spaces if required.
- 6.83. Concerns have been raised regarding vehicular and pedestrian access (including unauthorised access) to the rear of the Frederick Street properties and these are issues which can be addressed through the management of the development and through crime prevention measures to be submitted pursuant to condition 25.
- 6.84. In view of the sustainable town centre location of the site with a good level of access to bus and train services, the car parking provided is considered acceptable and the access and servicing arrangements have been demonstrated to be satisfactory. It is considered the proposals are acceptable in transport and highways terms and are therefore in accordance with the provisions of Local Plan Policy DM 6, the SBC Parking Standards SPD and the NPPF.

### **Air Quality**

- 6.85. 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.
- 6.86. 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 considered in planning decisions. The Planning Practice Guidance on Air Quality 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.....”.*

- 6.87. Local Plan policy DM 6 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.
- 6.88. The application is accompanied by an Air Quality Assessment (AQA) which identifies a risk to air quality from dust during the construction phase and from vehicular emissions during the operational stage. The construction stage impacts can be mitigated through the implementation of best practice measures to minimise the impacts of dust from construction activity. The AQA proposes a series of mitigation measures in line with recommendations within the Swale AQPT as follows:
- All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh.
  - Travel Plan to support and encourage sustainable transport choices (public transport, cycling, walking, and car-sharing).
  - Welcome Pack for new residents providing information and incentives to encourage the use of sustainable transport modes.
  - Provision of a Car Club Scheme within the development or support given to local car club
  - Landscaping to improve air flow and minimise canyon effects.
- 6.89. The Environmental Protection Officer raises no objections to the proposal in terms of air quality. Conditions and Section 106 obligations are recommended to secure the proposed mitigation measures.
- 6.90. Subject to the recommended conditions the development would be acceptable in terms of air quality and would accord with Local Plan Policy DM6 and the NPPF.

### **Community Infrastructure**

- 6.91. The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. This is reflected in policies CP 5 and CP6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.
- 6.92. As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure

Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

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

6.93. The following outline the financial contributions that have been sought by Kent County Council, Swale Borough Council and other statutory bodies to mitigate the impact of the development upon services, these contributions are all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

<b>Requirement</b>	<b>Value</b>	<b>Towards</b>
Travel Plan	Estimated £1,500.	Development and implementation of a Travel Plan
Car Club	Estimated £1,000	Set up Car Club or support local Car Club
SAMMS payment	£16,741.77 (£328.27 per dwelling)	North Kent Strategic Access Management and Monitoring Strategy.
Primary Education	£70,812 (£1,770.30 per applicable flat*)	Towards a new Primary school in the Wises Lane site (planning consent ref. 17/505711/OUT) and/or increased capacity in the Sittingbourne South planning group
Secondary Education (New Build)	£55,872.00 (£1,396.80 per applicable flat*)	Towards a new secondary school in North-west Sittingbourne and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups
Secondary Education (Land)	£30,227.20 (£755.68 per applicable flat*)	Towards the land costs of the new secondary school in north-west Sittingbourne and/or new secondary schools in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups.
SEND (Build)	£5,598.40 (£139.96 per applicable flat*)	SEND contribution to be applied towards additional places in Swale district
Community Learning and Skills	£1,744.71 (£34.21 per dwelling)	Additional equipment and resources at Adult Education Centres including at Sittingbourne and outreach provision to increase capacity in the service
Integrated Children's Service	£2,962.00 (£74.05 per dwelling)	Towards additional equipment and resources for the Integrated Children's Services in Swale including outreach provision. (Includes discount for non-applicable dwellings)

Libraries, Registrations and Archives Service	£3,194.13 (£62.63 per dwelling)	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including at Sittingbourne.
Adult Social Care	£9,224.88 (£180.88 per dwelling)	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Swale.
Waste Disposal and Recycling	£9,224.88 (£194.13 per dwelling)	Towards additional capacity at the Sittingbourne HWRC & WTS.
Wheelie Bins	£5,728.00	To ensure the development is provided with facilities to meet waste collection requirements.
NHS (Integrated Care Board)	£34,416.00	Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.
Affordable Housing	Provision of 6 affordable rented homes or commuted sum in lieu of on-site provision with clause allowing an alternative policy compliant provision.	Affordable housing, including accessible affordable housing.
Formal sports provision	£34,772.31 (£681.81 per dwelling)	Fitness and formal sports facilities in Sittingbourne.
Play/fitness provision	£26,152.80 (£512.80 per dwelling)	Children's play areas and outdoor fitness facilities in Sittingbourne
Monitoring fee SBC	5% of financial contributions	Monitoring of the legal agreement
Monitoring fee KCC	To be confirmed	Monitoring of the legal agreement

\* The definition of 'applicable flat' excludes 1 bed units of less than 56 sqm GIA and any sheltered accommodation for the purposes of securing education contributions. In this case, 41 of the proposed units are applicable flats.

6.94. Subject to securing the obligations, the application would accord with Policies CP5, CP6, DM8, DM17 and DM28 of the Local Plan.



## Open Space

- 6.95. 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.
- 6.96. The policy recognises that in some cases it may not be appropriate to make provision for new open space and sports facilities on-site, in such cases the policy requires contributions to be made towards the off-site funding of facilities to meet the needs of the development.
- 6.97. Paragraph 27.3 of the Sittingbourne Town Centre SPD notes that Housing development will be encouraged to provide amenity space which may be provided on roofs or as balconies.
- 6.98. Policy DM17 of the Local Plan sets out various open space typologies and the amounts of space that would be required for residential development. The table below compares the proposal to the open space requirements.

Typology	Policy DM17 requirement (ha per 1,000 person)	Scheme requirement (ha)	Proposed (ha)	Shortfall (ha)
Parks and gardens	1.11	0.13	0	0.13
Natural and semi natural greenspace	4.36	0.53	0	0.53
Formal outdoor sport	1.09	0.13	0	0.13
Amenity Greenspace	0.45	0.05	0.068	-0.018
Provision for children and young people	0.24	0.03	0	0.03
Formal Play facilities			off site	
Allotments	0.2	0.02	0	0.02

- 6.99. As the table above shows, there is a shortfall in all open space typologies except Amenity Greenspace. The site occupies a sustainable town centre location where it is considered appropriate to optimise the development potential of the site to deliver new housing and on-site provision of open space would compromise this objective.
- 6.100. The Council's Green Spaces Manager advised that financial contributions are required towards off site formal sports provision (£681.81 per dwelling) and off-site play/fitness provision (£512.80 per dwelling) in order to ensure sufficient capacity to cope with the future population living on site.
- 6.101. There is a play space on Redgrove Avenue and there are publicly accessible open spaces in the wider area off Johnson Road and College Road where funding can be directed to enhance the capacity of these spaces. There are a range of formal sporting facilities within Sittingbourne where funding can be directed to increase capacity to cope with additional population living in the scheme.
- 6.102. There would still be a shortfall on site for parks and gardens. In view of funding that would be directed to open space and play space in the nearby parks which could

contribute towards wider enhancements of the park, no objection is raised in terms of the shortfall in on-site parks and gardens.

- 6.103. There are existing allotments at Homewood Road, and Staplehurst Road, which are in relative proximity to the site, it is considered these sites can provide suitable local provision.
- 6.104. In view of the location of the site, there are no areas of publicly accessible natural and semi-natural greenspace in the locality which would be likely to accommodate the future population on the site such that a financial contribution towards enhancements could be reasonably justified. Having regard to the need to optimise the development potential of the application site to accommodate new housing in a sustainable location, it is considered that the shortfall in natural and semi-natural greenspace is acceptable.
- 6.105. Taking account of the on-site proposals and the proximity of existing public open space and subject to a planning obligation to fund capacity enhancements sufficient to cater for the uplift in residents that would be living on the site, the proposal is acceptable in terms of open space and is therefore in accordance with policy DM 17 of the Local Plan.

#### **Flood Risk, Drainage and Surface Water**

- 6.106. 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 DM 21 of the Local Plan.
- 6.107. The application is accompanied by a Flood Risk and Drainage Strategy Report. The site is located within Flood Zone 1 which is the lowest flood risk category. However, information contained within the Swale Council Strategic Flood Risk Assessment and GOV.UK maps indicates that there are areas on the site subject to a 'Low', 'Medium' and 'High' risk of flooding from surface water sources.
- 6.108. The Report proposes a series of measures to mitigate the risk of surface flooding which are summarised as follows:
- Raised finished ground floor level for Block A;
  - All residential units in Blocks B and C located at first floor level and higher;
  - During a flood event residents will be protected by means of a 'stay put' policy;
  - Ground floor level for Blocks B and C will be formed using flood resilient and resistant materials and techniques.
  - Raised floor level of sub-station to the north-east corner of Block A;
  - Site-specific Flood Warning and Evacuation Plan will be developed and shared with the occupants of the development;
  - Surface water flows from the site will be attenuated through on-site storage prior to discharge into the existing surface water sewer network.
- 6.109. KCC Drainage in their capacity as Lead Local Flood Authority (LLFA) have reviewed the Flood Risk and Drainage Strategy Report. They raise no objections to the proposals subject to a condition securing a detailed sustainable surface water drainage scheme and verification report following its installation.

- 6.110. Southern Water raise no objections to the proposal subject to conditions and informatives relating to drainage details and water supply connection.
- 6.111. Lower Medway Internal Drainage Board have advised that the site is located outside the Board's drainage district and any river catchment that drains into the drainage district, therefore the proposal does not impact on the Board's interests.
- 6.112. The proposals are considered acceptable in relation to flood risk, drainage and surface water and are in accordance with policy DM 21 of the Local Plan and the NPPF.

### **Contamination**

- 6.113. 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.
- 6.114. The application is not accompanied by any material addressing ground contamination. The Council's Environmental Protection officer has advised that no potential contaminated land is recorded near the boundary or within this site, and accordingly no objections are raised in terms of ground contamination.
- 6.115. The Environment Agency note that controlled waters are particularly sensitive at this location as the site is located upon a principal aquifer within a Source Protection Zone. No objections are raised subject to conditions securing a contamination investigation, remediation strategy and verification report.
- 6.116. The proposals are considered acceptable in relation to contamination and are in accordance with the Local Plan and the NPPF.

### **Living Conditions**

#### Existing residents

- 6.117. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 6.118. The nearest residential units to be impacted by the proposals are the terraced houses on Frederick Street and Laburnum Place.
- 6.119. It should be noted that the extant consent for 62 dwellings on the site comprised blocks occupying similar footprints to those currently proposed and with rear windows facing onto the rear of properties on Frederick Street. The currently proposed scheme involves a smaller number of larger windows onto the rear elevation and the introduction of Juliet balconies with inward opening doors. There will also be a large roof terrace on Block A which will afford views towards the Frederick Street properties, and a smaller rear facing balcony/roof terrace to one of the third-floor flats in Block B. It is noted that the proposed inward opening Juliet balconies do not provide a dedicated amenity area and therefore would not be expected to promote overlooking to the same extent that may occur from sitting out on a standard balcony. There is a typical back-to-back separation of approx. 20m between the proposed blocks and the rear of the Frederick Street properties which is considered reasonable in a built-up urban location. It is therefore acknowledged that there will be opportunities for mutual overlooking between facing dwellings but no more than may be typical in an urban and

suburban context. There will be opportunities for overlooking into rear gardens of the dwellings on Frederick Street with a limited degree of separation provided by the rear access road. However, the ends of the gardens typically accommodate garden buildings, which provide some screening, or car parking. There will be a greater degree of separation to the parts of the gardens which may be used as amenity areas, and it is considered that the proposal will not give rise to unduly harmful opportunities for overlooking and loss of privacy. In view of the degree of separation it is also considered that the proposed development will not result in an unduly harmful visual impact or loss of outlook from dwellings on Frederick Street.

- 6.120. The application is accompanied by a Daylight and Sunlight Amenity Study (Neighbouring) Report prepared in accordance with the British Research Establishment (BRE) Guidelines. The report provides an assessment of daylight and sunlight amenity within neighbouring properties on Frederick Street, Laburnum Place, West Street and Anselm Close (Wingate Court). The report notes that properties on Frederick Street have enjoyed outlook over a surface level car park and therefore have benefitted from daylight amenity which would exceed that typically experienced in an urban location. The daylight and sunlight assessment has been reviewed having regard to the guidelines and it is considered that overall there will be no unduly harmful impacts on daylight and sunlight amenity to neighbouring dwellings having regard to the urban location of the site.
- 6.121. There will be a reduction in vehicular activity on the site as a result of the change of use from a surface level car park to residential use. In light of the reduced number of vehicle movements to and from the site there will be a reduction in vehicular noise impacts upon adjacent dwellings. Furthermore, there are a variety of land uses including residential in the locality and as such additional residential accommodation in this location is not considered to be harmful in terms of noise. The Council's Environmental Health Officer raises no objections to the proposal in terms of noise impacts.
- 6.122. Objections have been received regarding increased light pollution, smells and litter arising from the proposed development. It is not considered that the proposal will give rise to any unduly harmful impacts in these regards.

#### Future residents

- 6.123. 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.
- 6.124. The application is accompanied by a Daylight & Sunlight Amenity Study (Within) Analysis Report which is considered to demonstrate that the proposed development will provide an acceptable standard of accommodation for future occupants in terms of daylight and sunlight amenity.
- 6.125. The application is accompanied by a Noise Impact Assessment which identifies that sound insulation provided within the development will provide satisfactory internal noise levels except when windows are opened. The Assessment therefore

recommends a secondary ventilation system to ensure acceptable noise levels during summer months.

- 6.126. All of the units within the development will satisfy the Nationally Described Space Standards, and in this regard will provide suitably spacious residential accommodation.
- 6.127. The proposed units will comply with Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) whilst one ground floor unit will comply with Building Regulations Part M4(3) (Wheelchair User Dwellings).
- 6.128. All units are accessed by both lift and stairs from the communal cores with level access provided at ground level to each block.
- 6.129. Windows and accommodation have been arranged to ensure that there will be an adequate degree of privacy within the units.
- 6.130. Private amenity space is provided to the units where feasible and 8 dwellings will benefit from balconies or terraces.
- 6.131. In view of the above, the proposal would deliver a development which is acceptable in terms of the living conditions of both future occupiers and the occupiers of existing nearby residential properties. The proposal is therefore considered to be in accordance with the Local Plan and the NPPF.

### **Sustainability / Energy**

- 6.132. Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change.
- 6.133. The application is supported by an Energy and Sustainability Statement which sets out measures to promote energy efficiency and to deliver renewable energy as follows:
  - High performance building fabric, double glazing and energy efficient lighting, services and controls to reduce energy demand for space heating, cooling, ventilation and lighting.
  - Passive design measures to reduce energy demand.
  - Use of high efficiency centralised monoblock air source heat pumps to provide heating via radiators and hot water via heating interface units (HIU) to the residential units; and
  - Use of mechanical supply and extract ventilation systems with heat recovery (MVHR) in the residential units
  - Optional roof mounted photovoltaic array.
- 6.134. The proposed measures would achieve a 49% reduction in carbon emissions (beyond Part L 2021 of the Building Regulations) target from energy demand reduction and the optional photovoltaic array would increase the carbon emissions reductions to 62.1%.
- 6.135. The Council's Climate Change Officer raises no objections to the proposals and welcomes the 49% reduction in carbon emissions.
- 6.136. On this basis, it is considered that the proposals incorporate sufficient measures to meet the requirements of Policy DM19 of the Local Plan and the NPPF.

**Other Matters**

- 6.137. Concerns have been raised regarding the future management of the development. This is a matter which can only be addressed once a management organisation for the development is appointed.
- 6.138. Objectors have commented that an alternative proposal should be brought forward or housing should be delivered on an alternative site. Members are advised that the application proposal as submitted should be considered on its planning merits.
- 6.139. Concerns have been raised regarding the community consultation undertaken by the developer. There is no statutory obligation on a developer to undertake a community consultation and such exercises are promoted as best practice. It should be noted that the Council has consulted neighbouring residents on the application proposals on 3 occasions.
- 6.140. A neighbouring resident has queried the inclusion of part of the application site within the access arrangements for a development proposal at Laburnum Place. It is noted that the Laburnum Place applicant served notice on the Council as owner of the access road, in line with statutory requirements.
- 6.141. A neighbouring resident has commented that the Council is inconsistent in its assessment of planning matters with reference to other planning decisions in the locality. It is noted that each planning application would have been assessed on its individual merits.
- 6.142. Concerns have been raised by a neighbouring resident regarding damage to neighbouring properties from piling works. It should be noted that if any damage were to occur then this would be a civil matter.
- 6.143. Concerns are raised regarding impacts on neighbouring property values. This is not a material planning consideration relevant to the determination of this application.

**Conclusion**

- 6.144. The site occupies a sustainable town centre location where it is considered appropriate to optimise the potential of the site to deliver new housing to contribute to housing supply in the Borough, including affordable housing. It is therefore considered that the proposed residential redevelopment of the site is acceptable in principle.
- 6.145. The proposal represents an improvement over the previously consented scheme and delivers townscape improvements and is considered acceptable overall in design terms. The proposed development is not considered to result in any undue harm to the living conditions of neighbouring dwellings. The proposed development would also deliver an acceptable standard of accommodation for future occupants.
- 6.146. For the reasons set out in the report the impact upon the Grade II listed Holy Trinity Church is considered to be acceptable.
- 6.147. The proposal would deliver a satisfactory mix of housing, including affordable housing, having regard to demand and the location of the development. The proposal is considered acceptable in terms of technical matters including highways, air quality, flood risk, drainage, contamination, energy and sustainability. The proposal is also

considered satisfactory in terms of archaeology, ecology, biodiversity, open space and community infrastructure subject to appropriate conditions and planning obligations.

- 6.148. The proposals comply with the policies in the Local Plan and NPPF. It is recommended that planning permission be granted subject to conditions and the satisfactory completion of a legal agreement.

**RECOMMEDATION – GRANT PLANNING PERMISSION subject to conditions and the prior completion of a Section 106 agreement**

**1. Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

**2. Approved Plans**

The development hereby permitted shall not be carried out and maintained in accordance with the following approved plans and documents:

Site Location Plan 22084-FA-001 P1  
Existing Site Plan 22084-FA-002 P1  
Proposed Site Plan 22084-FA-100 P3  
Proposed Ground Floor Site Plan 22084-FA-101 P3  
Block A - Proposed Ground Floor Plan 22084-FA-105 P3  
Block A - Proposed 1st-3rd Floor Plan 22084-FA-106 P2  
Block A - Proposed Fourth Floor Plan 22084-FA-107 P2  
Block A - Proposed Roof Plan 22084-FA-108 P2  
Block B - Proposed Ground Floor Plan 22084-FA-109 P3  
Block B - Proposed 1st & 2nd Floor Plan 22084-FA-110 P2  
Block B - Proposed Third Floor Plan 22084-FA-111 P2  
Block B - Proposed Roof Plan 22084-FA-112 P2  
Block C - Proposed Ground Floor Plan 22084-FA-113 P3  
Block C - Proposed 1st & 2nd Floor Plan 22084-FA-114 P2  
Block C - Proposed Third Floor Plan 22084-FA-115 P2  
Block C - Proposed Roof Plan 22084-FA-116 P2  
Block A - Proposed Sections A-A and B-B 22084-FA-200 P3  
Block B - Proposed Sections C-C and D-D 22084-FA-201 P3  
Block C - Proposed Sections E-E and F-F 22084-FA-202 P3  
Proposed Southeast and Southwest Context Elevations 22084-FA-300 P3  
Proposed Northeast and Northwest Context Elevations 22084-FA-301 P3  
Block A - Proposed Southeast and Northeast Elevations 22084-FA-310 P3  
Block A - Proposed Northwest and Southwest Elevations 22084-FA-311 P3  
Block B - Proposed Southeast and Northeast Elevations 22084-FA-312 P3  
Block B - Proposed Northwest and Southwest Elevations 22084-FA-313 P3  
Block C - Proposed Southeast and Northeast Elevations 22084-FA-314 P3  
Block C - Proposed Northwest and Southwest Elevations 22084-FA-315 P3  
Drainage strategy plan (14833-TDA-XX-XX-DR-C-51001 Rev-E)

Schedule of Accommodation 22084-600 P7  
Design and Access Statement submitted 09 October 2023  
Planning Statement submitted 12 October 2023  
Energy Statement submitted 17 November 2023  
Air Quality Assessment submitted 03 October 2023  
Daylight & Sunlight Amenity Study (Neighbouring) Report submitted 11 July 2023  
Daylight & Sunlight Amenity Study (Within) Analysis Report submitted 11 July 2023  
Preliminary Ecological Appraisal submitted 11 July 2023  
Archaeological Desk Based Assessment submitted 11 July 2023  
Arboricultural Survey submitted 11 July 2023  
Noise Impact Assessment submitted 11 July 2023  
Flood Risk Assessment 03 October 2023  
Transport Statement submitted 11 July 2023  
Biodiversity Net Gain Assessment submitted 11 July 2023

Reason: In order to define the permission and in the interests of proper planning.

### **3. Construction Method Statement**

Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology. This shall be in accordance with the air quality report dated 30th November 2022.

Reason: In the interests of air quality and residential amenity.

### **4. Construction Management Plan**

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:

- a) Routing of construction and delivery vehicles to / from site
- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Timing of deliveries
- d) Provision of wheel washing facilities
- e) Temporary traffic management / signage

Reason: In the interests of highway and pedestrian safety and residential amenity.

### **5. Hours of Construction**

No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:



Monday to Friday 08:00 - 18:00 hours, Saturdays 08:00 - 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

## **6. Ground contamination investigation and remediation**

Prior to the commencement of development a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that any ground contamination on the site is identified and remediated and in the interests of the wellbeing of future occupants.

## **7. Contamination Verification Report**

Prior to the first occupation of the development hereby approved a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification

plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location as mentioned above. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater. To comply with the National Planning Policy Framework paragraph 174.

#### **8. Previously unidentified contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To reduce risk to controlled waters. To comply with the National Planning Policy Framework paragraph 174.

#### **9. Archaeological works**

A. Prior to the commencement of development the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B. Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Local Plan policies and the National Planning Policy Framework.

#### **10. Piling works**

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

#### **11. Surface water drainage scheme**

Prior to the commencement of the development a detailed sustainable surface water drainage scheme for the site must be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Drainage Strategy Report prepared by Tullys (October 2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- measures to protect existing public sewers;
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

#### **12. Surface water drainage verification**

No building shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework

**13.** The development hereby approved shall incorporate the flood mitigation measures detailed within the Flood Risk and Surface Water Drainage Strategy Report prepared by Tullys (October 2023) including the following:

- Raised finished ground floor level for Block A;
- All residential units in Blocks B and C located at first floor level and higher;
- During a flood event residents will be protected by means of a ‘stay put’ policy;
- Ground floor level for Blocks B and C will be formed using flood resilient and resistant materials and techniques.
- Raised floor level of sub-station to the north-east corner of Block A;
- Site-specific Flood Warning and Evacuation Plan will be developed and shared with the occupants of the development.

Reason: In the interests of flood resilience.

#### **14. Foul Water Drainage**

Prior to the commencement of development details of the proposed means of foul sewerage including measures to protect existing public sewers have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure satisfactory details of foul water sewerage.

#### **15. M4(2) and M4(3) dwellings**

Unit A.0.1 will be built to M4(3) of building regulations standards and all of the remaining units will be built to M4(2) of building regulations standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure accessible and adaptable dwellings.

**16. Mechanical Ventilation**

Prior to the commencement of development details of any mechanical ventilation system that is to be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity.

**17. Noise mitigation measures**

Prior to the first occupation of the development hereby approved the scheme of noise mitigation measures recommended by NOVA Acoustics dated November 2022 shall be implemented in accordance with the report and shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

**18. Highways works**

Prior to works above slap level details of the dropped kerb on St. Michaels Road shall be submitted to and approved in writing by the Local Planning Authority and the approved works shall be delivered through a Section 278 agreement with KCC Highways and shall be completed prior to first occupation of the development.

Reason: In the interests of highway and pedestrian safety and to ensure a satisfactory refuse collection arrangements.

**19. Vehicle parking**

Prior to first occupation the development hereby approved shall be implemented in accordance with the details of vehicle parking spaces shown on the submitted 'Proposed Ground Floor Site Plan 22084-FA-101' and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities in the interests of reducing vehicle parking on the immediate surrounding roads.

**20. Cycle parking**

Prior to first occupation the development hereby approved shall be implemented in accordance with the details of cycle parking facilities shown on the submitted 'Proposed Ground Floor Site Plan 22084-FA-101' plans and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of promoting sustainable transport choices.

**21. Electric vehicle charging points**

Prior to first occupation of the development hereby approved electric vehicle charging points shall be provided as follows:

- 1 Active Charging Point per dwelling where on-plot parking is provided

- 10% Active Charging Spaces with all other spaces to be provided as Passive Charging Spaces for dwellings with unallocated communal parking
- 10% of total visitor parking spaces should be provided with passive charging provision suitable for future conversion.

Reason: In order to ensure that electric vehicle charging provision is provided in accordance with the adopted standards and sustainability requirements.

## **22. Refuse and recycling storage**

The development hereby approved shall be implemented in accordance with refuse and recycling storage arrangements detailed on plans refs. 22084-FA-A-105 Rev. P2, 22084-FA-B-109 Rev. P2 and 22084-FA-C-113 Rev. P2 and shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of visual and residential amenity and to ensure adequate provision of refuse and recyclables storage on site.

## **23. Biodiversity Enhancement**

No development shall occur above slab level, until details of how the development will offset biodiversity loss/enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. Details will include native species and wildlife-friendly planting, as well as habitat boxes for bats and/or breeding birds. Boxes for breeding birds will be targeted at S41 priority species/ red/amber listed species as per the Birds of Conservation Concern Report 2021. Any boxes included for wildlife will be building integrated and/or Woodstone/woodcrete boxes to ensure durability. The approved measures will be implemented and retained thereafter.

Reason: To ensure biodiversity net gain is carried out appropriately and in the interest of promoting wildlife.

## **24. Arboricultural Method Statement**

Prior to the commencement of development (including site clearance and demolition) hereby approved an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 shall be submitted to and approved in writing by the Local Planning Authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory protection and retention of trees during construction.

## **25. Crime Prevention Design Measures**

No development shall take place above ground floor slab level until details of measures to minimise the risk of crime, according to the principles and physical

security requirements of Crime Prevention through Environmental Design (CPTED), have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

## **26. External finishing materials**

No development beyond the construction of foundations shall take place until details of the external finishing materials including 1m<sup>2</sup> sample panel of brickwork, mortar and pointing to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of the visual amenities of the area.

## **27. Hard and soft landscaping**

No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, any trees that become diseased, dying within 5 years to be replaced and an implementation programme.

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

## **28. Lighting**

Prior to the relevant works details of security lighting or other external lighting shall be submitted to and approved in writing by the Local Planning Authority and the approved lighting shall be installed and operated in accordance with the approved details. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination;
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- Details of the number, location and height of the lighting columns or other fixtures;
- The type, number, mounting height and alignment of the luminaries;
- The beam angles and upwards waste light ratio for each light;
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

**29. Details of windows**

No development beyond the construction of foundations shall take place until the manufacturer's brochure and technical specifications (along with details of the proposed colour finish) of the window system(s)/product(s) to be used have been submitted and agreed in writing by the Local Planning Authority. Submitted details shall also include additional 1:1 or 1:2 part vertical and/or plan section drawings showing the typical detail of the window frame in relation to the surrounding wall construction, in order to show the typical depth of reveal. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and to preserve the character of the immediate surrounding area.

**30. Surface treatment**

Prior to the commencement of development hereby approved details of site/surface treatment, details of those parts of the site not covered by buildings including any parking, service roads, sight lines and footpaths surface treatment and boundary treatment shall be submitted to and approved by the Local Planning Authority. These works shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory treatment of the site and an appropriate setting to the buildings hereby approved.

**31. Boundary treatment**

No development beyond the construction of foundations shall take place on the building(s) hereby permitted until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and the National Planning Policy Framework.

**32. Decorative brickwork**

No development beyond the construction of foundations shall take place until details until detailed drawings of the decorative brickwork at a scale of 1:2/1:5 including brickwork panels, window and door arches (if applicable). The development shall be carried out using the details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with the National Planning Policy Framework.

**33. Sustainable development, energy efficiency and renewable energy**

No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo



voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first occupation of any dwelling.

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

#### **34. Water conservation**

No development beyond the construction of foundations shall take place until details of measures to achieve a water consumption rate of no more than 110 litres per person per day, the rate for that unit(s) have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter.

Reason: In the interests of water conservation and sustainability.

#### **35. Boiler Standards**

All gas fired boilers installed within the development shall meet a minimum standard of <40mgNO<sub>x</sub>/kWh.

Reason: In the interests of air quality in the locality.

#### **36. Welcome Pack**

Prior to first occupation of the development, details of a Welcome Pack available to all new residents shall be submitted to and approved in writing by the Local Planning Authority. The Welcome Pack shall contain information and incentives to encourage the use of sustainable transport modes from new occupiers.

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

### **INFORMATIVES**

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

1. In accordance with paragraph 38 of the National Planning Policy Framework (2023), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.
2. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

### **Mid Kent Environmental Health**

3. You should refer to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>

### **Kent Police – Designing Out Crime**

4. Applicants/agents should consult Kent Police Designing out Crime Officers (DOCOs) to address Crime Prevention Through Environmental Design (CPTED) and incorporate Secured By Design (SBD) as appropriate. DOCOs use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.
5. There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.
  1. If perimeter, boundary or divisional treatments are to remain, they must be a minimum of 1.8m high. We would strongly recommend secure gates, which have fob control access for residents to avoid anti-social gathering on or around the fire escape stairs.
  2. We recommend parking areas are covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays, if to be included, to avoid conflict and misuse.
  3. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."
  4. Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
  5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+.
  6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016

- Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
  8. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
  9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
  10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.
  11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
  12. CCTV is advised for all communal entry points and to cover the mail delivery area.
6. Please note, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

### **Southern Water**

7. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.
8. The exact position of the public sewage and water distribution assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
  - The 100 mm diameter water distribution main requires a clearance of 6 metres on either side of the water distribution main to protect it from construction works and to allow for future maintenance access.
  - No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.
  - The public gravity sewers requires a clearance of 3 metres on either side of the public sewer to protect it from construction works and to allow for future maintenance access.
  - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- All existing infrastructure should be protected during the course of construction works.

Please refer to: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>

9. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.
10. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
11. In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.
12. Investigations indicate that Southern Water can facilitate foul sewerage and surface water run off disposal and water supply to service the proposed development. Southern Water requires a formal application for a connection to the public sewer and water supply to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <https://www.southernwater.co.uk/building-and-developing/our-services/water-services/water-connection-calculator/>
13. Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents>

<https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation. P
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

14. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

### **KCC Ecology**

15. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
16. Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

### **Environment Agency**

17. With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. A Piling Risk Assessment (PRA) is required to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near-surface pollutants migrating

to underlying aquifers. The risk assessment must investigate whether the water environment source-pathway-receptor linkages exist. Further guidance is available on the .gov web site.

18. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

### **KCC Highways**

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

20. 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 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.

21. 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.

22. 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.

23. 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.
24. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
25. 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: [Highways permissions and technical guidance - Kent County Council](#). Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

