

<b>2.4 REFERENCE NO - 18/503697/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of 56 and 58 Station Road and erection of 130 dwellings, with associated public open space, landscaping, access, parking and drainage, together with parking for existing Station Road and Nobel Close residents.			
<b>ADDRESS</b> Land At Station Road Teynham Kent ME9 9SY			
<b>RECOMMENDATION</b> Approve, subject to agreement of the contribution for the A2/Station Road junction, secondary education and secondary education land, the conditions below and signing of a suitably worded Section 106 Agreement.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application proposes residential development on a site allocated for housing within the adopted Local Plan. The layout and design of the scheme has in my view been carefully considered and provides a good quality proposal which responds positively to the requirements of the Local Plan and the context of the site. No objection has been raised by statutory consultees and I consider that the application acceptably deals with residential, visual and highway amenity and issues such as air quality, drainage, contamination and archaeology.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection.			
<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Teynham	<b>APPLICANT</b> Crest Nicholson Eastern <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 18/10/18	<b>PUBLICITY EXPIRY DATE</b> 24/08/18		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
17/502053/ENVSCR	EIA Screening Opinion for - Outline application for residential development for a minimum of 107 dwellings, public open space, boundary landscaping, car parking, vehicular access onto Station Road in the vicinity of Nobel Close and other pedestrian and cycle routes onto Station Road and London Road.	EIA Not Required	27.04.2017
SW/88/1723	Outline application for use of agricultural land for residential development.	Refused	30.01.1989

**1.0 DESCRIPTION OF SITE**

1.01 The application site measures 4.4 hectares and is broadly rectangular in shape. It is located to the east of the existing properties which front onto Station Road, to the south of the rear gardens of the properties in Bradfield Avenue and the north of the properties which front onto the A2. The site is comprised of grassland and an

orchard and divided into two fields by existing mature hedgerows which run approximately east / west across the site. The site slopes gently downwards from south to north and east to west. The site sits approximately 20m Above Ordnance Datum.

- 1.02 Public Right of Way ZR253 lies to the east of the application site, however, due to intervening development and mature planting, combined with the land levels, which drop quite significantly, views of the application are quite limited.
- 1.03 The southern boundary of the site abuts the Cellar Hill and Greenstreet conservation area. The closest listed building with a relationship to the site is the property known as Alverley House which is located within close proximity of the south western boundary of the site.

## **2.0 PROPOSAL**

- 2.01 This application seeks planning permission for the demolition of No.s 56 and 58 Station Road and the erection of 130 dwellings, amounting to a density of 29.5 dwellings per hectare.
- 2.02 The main point of vehicular access to the site will be taken from Nobel Close in the western part of the site. Additional accesses, one in the southern part of the site will connect the development to London Road whilst a further access in the north west of the site will provide a connection to Station Road. The existing orchard which sits in the central part of the site is to be retained and enhanced and will include an attenuation pond. This central piece of open space will mean that the dwellings will essentially be provided in two parcels, one to the north and one to the south. A further piece of open space is located in the north west of the application site.
- 2.03 Two three-storey apartment blocks, providing 17 units in total are located immediately to the north of the open space. To the north-west of the open space there will be a two storey apartment block containing 5 units. The remainder of the dwellings will be two storey in height aside from two units which will be two and a half stories.
- 2.04 The units will be split as follows with 40% of the dwellings (52) affordable. The 52 units will be provided as 62% affordable rented and 38% shared ownership:
- 1 bed – 6 (5 of these affordable)
  - 2 bed – 55 (28 of these affordable)
  - 3 bed – 56 (15 of these affordable)
  - 4 bed – 13 (4 of these affordable)
- 2.05 The application proposes the retention of the hedgerow that runs approximately east / west along the central part of the site with additional hedgerow planting along both the northern and the southern boundaries.
- 2.06 The proposals also include parking space for both the existing residents of Nobel Close and Station Road. The parking space for Nobel Close will be provided in front of these existing dwellings and will total 12 in number. In respect of the existing residents of Station Road, 46 parking spaces will be provided and these will be located to the rear of the dwellings in Station Road. The access to the car park will have its own 'in-only' access, running south from the Nobel Close access road. Vehicles will exit the parking area on the access that lies between No.s 42 and 44 Station Road.

### 3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance
- 3.02 Conservation Area Cellar Hill and Greenstreet, Teynham

### 4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF): Paras 8 (three dimensions of sustainable development); 10, 11 (presumption in favour of sustainable development); 47 (Determining applications); 54, 55, 56, 57 (planning conditions and obligations); 61 (delivering a sufficient supply of homes); 124, 127, 128, 130, 131 (good design); 174, 175, 176, 177 (Biodiversity); 189, 190, 191 and 192 (Proposals affecting heritage assets).
- 4.02 National Planning Practice Guidance (NPPG): Air Quality; Conserving and enhancing the historic environment; Design; Environmental Impact Assessment; Land affected by contamination; Natural Environment; Noise, Open space, sports and recreation facilities, public rights of way and local green space, sports and recreation facilities; public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements.
- 4.03 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014-2031); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST5 (The Sittingbourne area strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); CP 8 (Conserving and enhancing the historic environment); A19 (Land east of Station Road, Teynham); DM6 (Managing transport demand and impact); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM32 (Development involving listed buildings); and DM33 (Development affecting a conservation area).
- 4.04 Policy A19 reads as follows:

Planning permission will be granted for a minimum of 107 dwellings, together with landscape and open space on Land east of Station Road, Teynham, as shown on the Proposals Map. Development proposals will:

1. Accord with Policy CP 4, in particular demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and a Landscape and Ecological Management Plan) that includes:

- a. retention and enhancement of existing hedgerows;
  - b. provision of new hedgerow planting;
  - c. retention, enhancement and appropriate management of the existing traditional orchard; and
  - d. new orchard planting for the landscaped areas of the new development.
2. Be of high quality design, of two storeys height, adjacent to the existing residential development and the countryside edge, and respond appropriately to the character,

setting, design and materials of the Teynham Conservation Area in accordance with Policy DM 32 and DM 33;

3. Achieve a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;

4. Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure is mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;

5. Provide an off-street car park to address on-street car parking problems on Station Road;

6. Provide an Archaeological Assessment to consider the importance of the site and, if necessary propose mitigation;

7. Provide a new access road from Station Road, a separate emergency access onto Station Road and pedestrian and cycle access onto Station Road and the A2;

8. Address air quality impacts arising in the Teynham AQMA, including the implementation of innovative mitigation measures;

9. Be supported by a Transport Assessment and provide appropriate traffic improvements and management measures, including at the junction of Station Road and the A2 and at other locations as appropriate; and

10. Provide the infrastructure needs arising from the development, including those identified by the Local Plan implementation and delivery schedule, in particular those relating to improvements in primary school and health facilities.

4.05 Supplementary Planning Documents: Listed Building; Conservation Areas; Developer Contributions (2009) and the Swale Landscape Character and Biodiversity Appraisal (2011).

## 5.0 LOCAL REPRESENTATIONS

5.01 Letters of objection have been received from 29 separate addresses raising the following summarised concerns:

- There is a lack of infrastructure and facilities in the local area, in particular, healthcare facilities, public transport, schools and shops to be able to support this development;
- There is insufficient highway capacity;
- The junction of the A2 / Station Road is unable to cope with an increase in traffic;
- There have been a number of accidents / fatalities on the surrounding road network;
- There is a lack of parking provision in the surrounding area;
- The proposed car parking spaces are inadequate in number for the number of properties they will be serving;
- Parking at the rear of properties in Station Road will be less convenient for existing residents than the existing arrangement;
- Access to the proposed dwellings should be directly from the A2 rather than Station Road;
- The housing will not be affordable;

- The housing will be poor quality;
- The land is designated for pasture / agricultural use;
- *“Where would the money come from for this project?”*
- The development would lead to increased levels of pollution and poorer air quality;
- There is a lack of employment for future residents;
- The access to the site is inadequate;
- The cumulative effect of this development and others in Teynham is not appropriate for a settlement the size of Teynham;
- The car park at the rear of the properties in Station Road will increase anti social behaviour;
- Removing cars from Station Road will increase driver speeds in the area;
- Utilities in the area will struggle to cope with the increase in housing;
- What are the parking proposals for disabled residents?
- There are alternative sites that should be built on;
- The proposed demolition of existing properties will lead to noise and dirt;
- The removal of the build out on the western side of Station Road south of Belle Friday Close will speed up traffic and reduce the safe lay-by;
- The developer suggested that a footpath would be built on the eastern side of Station Road which has not come forward in the application;
- Providing dropped kerbs for surrounding properties would reduce parking pressures;
- How will the proposed car park for Station Road residents be managed;
- The drainage system in the area is inadequate to support this development as flooding already occurs;
- Increased usage of public access points will impact upon security of existing properties;
- A pedestrian crossing with traffic lights should be provided;
- A lower speed limit should be introduced along Station Road;
- The proposed pedestrian access will lead to a loss of privacy;
- The development would have an impact upon the conservation area;
- The application site supports a range of wildlife;
- The development would spoil the view that the application site currently provides;
- The proposal would give rise to overlooking of surrounding properties;
- The properties to be demolished are part of the historic terrace;
- The existing footpath in Station Road is narrow and dangerous;
- Additional vehicles will give rise to higher levels of noise;
- There are concerns regarding the structural stability of the properties in Station Road due to their age and unstable land in the area;
- A ground condition survey should be carried out;
- Concerns regarding the presence of radon;
- There is a mains water pipe within the proposed access road, which the developer will need to take responsibility for;
- What security measures will be in place for the new car park;
- Seek confirmation that the developers are not demolishing the rear garden wall of existing properties in Station Road;
- A number of trees on the site should be subject to a TPO and the orchard should be protected and designated as a conservation area;
- The orchard should be turned into a working orchard to create jobs and provide open space;
- The construction of the properties should be carried out in a sustainable manner;
- In general the parking layout for the development will lead to conflict;
- How asbestos will be dealt with has been omitted from the supporting information;
- Who will take liability if surrounding properties are flooded?;

- The street light in front of the properties in Nobel Close has been removed on the drawings giving rise to safety concerns;
- Security measures such as CCTV would be an invasion of privacy;
- Revised drawings taking into account a planted area to the frontage of Nobel Close, sufficient lighting and parking restrictions should be submitted;
- The proposed access road passing the side elevation of an existing property will give rise to a loss of light and overshadowing;
- The proposed access road to the car park being so close to existing properties would give rise to increase respiratory problems;
- There are *“many greenfield sites still available in Swale, use those first”*;
- Construction traffic will not be able to travel down Station Road;
- The land owner has already cut down trees, shrubs and scrub which was full of nesting birds and is illegal;
- It is clear that it is the intention to Compulsory Purchase land belonging to Nobel Close and the Vicarage yet none of the land owners have been consulted;
- The amount of green space proposed is not in proportion to the amount of housing proposed;
- Why does the social housing have to back onto houses in Station Road?;
- The sub-station should be moved to the other side of the development;
- The construction phase will lead to noise and disturbance;
- The developers should apply for 'Prior Consent' for noise generating activities during the construction phase of the development under the Control of Pollution Act 1974;
- The density of the layout is too high;
- The development is overbearing and out of scale to the locality;
- The proposals do not take into account the requirement for the landscape buffer to the rear of the properties along the A2;
- The three storey element of the development will give rise to harm to visual amenities;
- With the possibility of a 'no-deal Brexit' farmland should be used for food production;
- The NHS are concerned regarding increased pressure the extra residents will put onto the service;
- *“UK Power Networks have not been served with the correct notices in accordance with the Party Wall Act 1996”*;
- How will existing residents be compensated for the right to peace and quiet?;
- There is Japanese Knotweed on the site;
- How much will the dwellings cost, how many local people will buy them and who is going to be coming into the village?;
- When and why was Nobel Close adopted?

5.02 1 letter of support has been received raising the following summarised points:

- The proposed parking arrangements for the Station Road residents will be an improvement;
- The removal of cars from Station Road will lead to a highway improvement;
- The developers should not have to fund all required infrastructure.

## 6.0 CONSULTATIONS

6.01 **Teynham Parish Council** object to the application raising the following summarised concerns and observations:

- Due to the cuts in local services, including the number of Doctor's surgeries and rail services, the loss of 'Sure Start' facilities, no tangible improvement in bus

services and no evidence that school facilities will be improved the designation of Teynham as a sustainable location for development in the Local Plan is questioned;

- The impact of the development upon schools and medical facilities will be required to be addressed prior to the occupation of the dwellings;
- The existing surrounding road network is already over capacity and the junction of the A2 / Station Road will need to be modified;
- Notice should be taken of the High Court's decision to dismiss an appeal in Newington following SBC's refusal of planning permission on air quality grounds. Like Newington, Teynham is subject to an Air Quality Management Order and as such this application should be refused for this reason;
- Parking restrictions should be put in place around the Nobel Close entrance;
- There should be consideration towards widening the footpath along Station Road;
- Do not support the removal of the build out feature on Station Road outside of the school;
- Safety of the 'in' access to the proposed car parking area and the pedestrian / cycleway is being prioritised over the main access to the development;
- The proposed car parking areas should be subject to management plans;
- No discussion with the Parish Council regarding management of the proposed car parking spaces, the woodland areas or the provision of new play equipment has taken place;
- Fruit trees which are to be removed should be replaced with trees requiring minimal maintenance;
- An assumption is made that local applicants with an association with Teynham will be considered first for affordable housing;
- The shared cycle stores could create opportunities for crime and as a meeting place for youths; and
- Although as set out above, the Parish Council object to the scheme, it was noted that they consider *"the design of the development to be appropriate and suitable."*

6.02 **KCC Highways & Transportation** initially commented that the methodology used within the Transport Assessment has been agreed. It is considered that the design of the main access to the site (to be taken at the Nobel Close junction) is appropriate. The additional pedestrian links, to London Road to the south, and Station Road to the north-west will provide direct routes to local services and the re-location of the existing kerb build out in Station Road will provide suitable visibility and a footway area to accommodate pedestrians.

The quantum of parking spaces accords with IGN3 (Kent Design Guide Review: Interim Guidance Note 3. 20 November 2008), although many of the parking spaces have been provided in the form of tandem spaces. In these instances, a third parking space has been added for these properties in the tandem arrangement. Further to this, KCC Highways & Transportation requested some additional on street parking. There was also some concern regarding the car ports and that they should be provided as the rearmost parking space.

The proposal includes the creation of off-street parking spaces for the residents of Station Road, the number of which will exceed the existing parking spaces which will be lost by the introduction of waiting restrictions on Station Road. Some limited lengths of the existing on-street parking will still remain, including the disabled bays, as this will assist with influencing vehicle speeds between Nobel Close and the A2. The proposed parking spaces for the Nobel Close residents will address the existing situation of informal parking in this area.

Although the cycle parking arrangements for the houses and the three storey apartment block is acceptable, the cycle storage for the two storey apartment block does not appear to be able to be monitored as successfully.

The swept path analysis has been undertaken for the appropriately sized vehicles and the details submitted show that they will be able to manoeuvre into and within the site.

Although the trip rates used in the TA and derived from the national TRICS database are agreed, KCC Highways & Transportation requested that the associated traffic flow diagram is provided to fully ascertain the contributions that may be required at various junctions. The TA has also considered the correct timeframes and scenarios for the assessment of the local highway network. In respect of developer contributions, improvements to the following junctions will be required – A2/Swanstree Avenue; A2/Murston Road; A2/A251; A2/Station Road and general improvement works to the A2 in Teynham.

Further to the above comments, discussions between Officers and the applicant / agent have taken place and further information and amendments have been received. KCC Highways & Transportation have been re-consulted and responded as follows:

Due to the design of the car ports they are unlikely to be converted and planning conditions and covenants can be used to control this further. Additional on street parking has been provided and therefore the amount and location of parking throughout the scheme is now acceptable. The cycle store for the two storey apartment block will be operated by a security fob which is considered acceptable. On the basis of the submitted details, no objection is raised subject to the securing of the highway contributions previously discussed, the obligation to advance the Traffic Regulation Order for the implementation of the proposed waiting restrictions on Station Road and conditions relating to off site highway works; mud on the highway; site parking, loading and turning for construction workers / vehicles; retention of parking spaces; provision of cycle spaces; access provided prior to occupation of the dwellings; details of estate roads, footways, verges etc; and completion of works between dwellings and the adopted highway.

- 6.03 The Council's **Environmental Protection Team Leader** originally commented on the application stating that in respect of Air Quality, the assessment submitted uses modern accepted methodology. In regards to construction, the predicted levels fall well below the level of concern and as such no objection is raised to this. For vehicular traffic, 12 receptor points have been assessed. NO<sub>2</sub> (nitrogen dioxide) impact levels are predicted to be 'medium' at receptors 1-4 and 'small' for the remainder. All PM<sub>10</sub> and PM<sub>2.5</sub> impact predictions are listed as 'imperceptible'. Although the predicted levels did not go above the objective levels, the Environmental Protection Team Leader was not convinced that a medium impact translates as a negligible impact descriptor for receptors 1-4.

A requirement for a Noise Assessment and Contaminated Land Assessment was also set out.

Further to the above, additional information was received in respect of air quality and reports in relation to noise and contamination. In terms of air quality, it was initially set out in the assessment that mitigation measures were not required as there was predicted to be a mostly negligible impact which was not in accordance with the information provided in the rest of the document. However, it has now been stated



that the provision of a number of mitigation measures, including electric charging points will be made.

A Noise Assessment has been submitted which conclusively concludes that the site should not be adversely affected by noise and the report is considered satisfactory.

The Land Contamination report comprehensively describes the ground conditions on the site. It is considered that the report follows current and acceptable methodology, concluding that there is very little evidence of pollution on the site which could adversely affect human health. However, the report does state that some elevated levels of lead have been found in part of the site. The report recommends that further investigation should take place and the Environmental Protection Team Leader agrees with this stance and considers that this issue needs to be investigated further and mitigated and/or removed from the site.

On the basis of the above, there are no objections raised to the proposal on Environmental Health grounds subject to conditions requiring electric vehicle charging points and further investigation and mitigation, if necessary, of the site to reduce the elevated levels of lead.

- 6.04 The **Lead Local Flood Authority (KCC)** initially responded with a holding objection pending the submission of ground investigation details and appropriate infiltration rates for the proposed soakaways.

Further to this, the Lead Local Flood Authority have been in consultation with the Environment Agency as the discharge to groundwater is a matter which they would comment upon and who have raised no objection subject to conditions (see paragraph 6.08). On this basis the Lead Local Flood Authority have enough reassurance that they can raise no objection to the scheme subject to conditions requiring a detailed sustainable surface water drainage scheme; an operation and maintenance manual for the proposed sustainable drainage scheme; and a verification report demonstrating the suitable operation of the drainage scheme.

- 6.05 **Kent Police** state that the submitted information clearly demonstrates that crime prevention has been considered and confirm that they have met with the applicants. They have set out that there are a limited number of issues to be addressed but consider these matters of planning detail.
- 6.06 **UK Power Networks** *“objects to the planning application for the Development, as the Applicant has neither served Notice in accordance with the Party Wall etc. Act 1996 nor satisfied the Company that the works are not notifiable. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required.”*
- 6.07 **Highways England** are satisfied that in principle the proposals will not materially affect the safety, reliability and / or operation of the Strategic Road Network and therefore raise no objection. However, they recommend a condition requiring a Construction and Environmental Management Plan
- 6.08 **Natural England** comment that *“since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed*

*strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.”*

- 6.09 **Environment Agency** originally responded stating that “*we have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.*”

However, after reviewing the information further following discussions with the Lead Local Flood Authority (KCC) regarding groundwater implications, additional comments have been received. This confirms that no objection is raised subject to conditions relating to contamination; a verification report; no infiltration of surface water and piling and other foundation designs.

- 6.10 **KCC Ecology** state that they have reviewed the submitted ecological assessment documents submitted and advise that the mitigation measures proposed are sufficient for the planning application to be determined. A condition requiring a biodiversity method statement is recommended to ensure that the proposed mitigation can and will be implemented. In addition, and to ensure that the site retains any ecological interest a landscape and ecological management plan is recommend to be secured via a condition. The site also lies within 2km of the Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites) and therefore appropriate mitigation will need to be provided via a contribution to the SAMM. In addition to this, due to a recent decision from the Court of Justice of the European Union, an Appropriate Assessment will be required to be carried out.
- 6.11 **KCC Archaeology** have reviewed the archaeological desk based assessment and agree with the general conclusions that archaeological mitigation can be dealt with through a condition of any forthcoming approval. However, the possibility of archaeological interest on the site has potentially been understated. On this basis, a condition requiring archaeological evaluation to be followed by further mitigation as appropriate in recommended.
- 6.12 **SBC Greenspaces Manager** comments that due to the insufficient on-site provision contributions to improving play facilities (£446 per dwelling) and formal sports (£595 per dwelling) at land adjacent to Teynham Village Hall should be made.
- 6.13 **Swale Clinical Commissioning Group (NHS)** – comment that “*the CCG area is subject to high levels of growth and our local health services especially GP services are already at capacity. This new development will place additional pressure on those services. We are therefore flagging up to you that in relation to this development we would require a S.106 financial contribution of £360 per new resident (£360 x 312) which equates to a financial contribution of £112,320 towards expanding existing facilities within the vicinity of the development. We are of the opinion that this funding should be earmarked for the use of Dr Rb Kumar Practice.*”
- 6.14 **KCC Developer Contributions** request £358,992 for primary education towards Phase 1 expansion of Teynham Primary School; £506,200 for secondary education towards Phase 3 of the new Secondary School construction upon land off Quinton

Road, NW Sittingbourne; £208,673.28 towards Phase 3 land for the new Secondary school site upon land off Quinton Road, NW Sittingbourne.

- 6.15 **Southern Water** have requested a condition in respect of sewerage network reinforcement and the agreement of details in relation to foul sewerage disposal.

## **7.0 BACKGROUND PAPERS AND PLANS**

- 7.01 The following documents have been submitted in support of the application:

- Proposed floorplans and elevations;
- Site Section;
- Block Plan;
- Schedule of Accommodation;
- Swept Path Analysis;
- Air Quality Assessment;
- Arboricultural Impact Assessment;
- Archaeological Desk Based Assessment;
- Ecological Assessment;
- Flood Risk Assessment;
- Habitat Screening Assessment;
- Landscape Strategy;
- Landscape Masterplan;
- Planning Statement;
- Statement of Community Involvement;
- Design and Access Statement;
- Transport Assessment;
- Refuse Collection Strategy Plan;
- Parking Strategy Plan;
- Materials Plan;
- Boundary Treatment Plan;
- Dwelling Distribution Plan;
- Storey Heights Plan;
- Tenure Allocation Plan;
- Road Hierarchy Plan; and
- Affordable Tenure Allocation Plan

## **8.0 APPRAISAL**

### **Principle of Development**

- 8.01 The application site is allocated in the adopted Local Plan under policy A19 for a minimum of 107 dwellings and is situated within the built-up area boundary. The application proposes the demolition of 2 dwellings and the construction of 130 dwellings which would contribute towards the Council's housing supply on a site which is specifically allocated for this type of development. To reach the point whereby the site has been allocated in the Local Plan it has gone through a rigorous selection process and has been independently assessed by a Planning Inspector, reaching the opinion that it is suitable for residential development. On this basis, I am of the very firm view that the principle of this development on this site is accepted.

**The quantum of housing and mix of units**

- 8.02 As set out above, the proposal seeks planning permission for 130 dwellings on a site of 4.4 hectares. This equates to a density across the site of 29.5 dwellings per hectare. In my view, the density in the surrounding area is mixed. The properties laid out at the highest density are the Victorian terraced properties in Station Road and London Road, immediately to the west and south of the site. In Bradfield Avenue and Nutberry Close to the north the properties are laid out at a lower density and are more typical of a suburban pattern of development. The application site includes a range of densities with the highest in the central part of the site where the apartment blocks are located. Aside from this, the layout comprises a mixture of terraced, semi detached and detached dwellings. In this case, it is firstly important to consider that the specific site allocation policy identifies this site as being capable of delivering a minimum of 107 dwellings. Furthermore, the NPPF sets out at paragraph 122 that *‘decisions should support development that makes efficient use of land, taking into account’,* amongst other matters, *‘the desirability of maintaining an area’s prevailing character and setting’.* I also give weight to the specific requirement of policy CP3 where it is stated that proposals will *“Use densities determined by the context and the defining characteristics of the area”.*
- 8.03 In my view, the variation in densities proposed within the application site would broadly reflect the mixture of densities in the surrounding area. The layout provides a mixture of units, which will be discussed in further detail below, and would in my view satisfy the aims of both the Local Plan the NPPF in regards to the density of the development proposed.
- 8.04 The overall aim of policy CP3 is to deliver a wide choice of high quality homes. The policy sets out the starting point for the required mix of housing to meet currently assessed needs. I have below compared the aspirations of the Local Plan with the mix proposed within this application:

Unit Size	Number (%) Proposed	Local Plan Requirement
1 bed	6 (5%)	7%
2 bed	53 (41%)	36%
3 bed	56 (43%)	42%
4+ bed	13 (10%)	15%

- 8.05 In my view, the above table demonstrates that the mix of properties aligns closely with the Local Plan requirement. I believe that a range of housing has been proposed to adequately suit the needs of a range of potential occupiers and overall I am of the opinion that is a considerable benefit of the scheme.

**Visual Impact, landscaping and impact upon designated heritage assets**

- 8.06 As set out above, the site at the current time is predominately comprised of vacant undeveloped land but does include an unmanaged orchard, trees and hedgerows. In views from public vantage points, the site is largely obscured, due to the residential development abutting the site to the north, west and south and the well established tree line that runs along part of the eastern boundary of the site.
- 8.07 The layout and design of the dwellings themselves have been considered through a detailed pre application design process to arrive at the scheme which is now before Members. In my opinion the layout displays a number of good planning principles

such as active frontages addressing the highway, legible routes throughout the site, active visible side elevations and well designed properties.

- 8.08 The architectural treatment of the buildings is based on fairly traditional designs which pick up upon Kent vernacular and seek to use complementary facing and roofing materials to reinforce the design principles. I am of the view that the proposed mix of houses and apartments, with their varying scales and forms would go a long way towards creating an attractive new residential area with well considered streetscenes and roofscapes. The three storey apartment blocks on the site will be the most prominent buildings from within the site, however, I am of the view that they have been designed sympathetically in terms of their elevations, roofscapes and use of materials. My only slight concern in this respect related to the design of the two, two and a half storey dwellings proposed in terms of the spacing and proportion of the fenestration. However, further to discussions with the applicant / agent where my thoughts were expressed, amended elevations have been provided. In my opinion, due to the fenestration now siting more comfortably on these dwellings from a visual perspective I take the view that an acceptable design for these two properties has now being demonstrated. In order to ensure that the external finishing materials are acceptable I have recommended conditions requiring details to be submitted.
- 8.09 The boundary treatment across the site has in my view been well considered with close boarded fences limited to private areas. The parts of the site where boundary treatment is more prominent have been afforded a higher quality finish in the form of brick walls and estate railings. Upon receipt of the original scheme, I did have some concern regarding the boundary treatment around the Noble Close parking spaces and to the rear of unit 71 which was indicated as being a close boarded fence. I raised this with the applicant / agent and have received an amended drawing showing that the boundary treatment in these two areas has been amended to a brick wall. This is in my view acceptable and along with the other considerations upon this matter result in well considered and appropriate boundary treatment across the site.
- 8.10 The application site lies directly to the north of Teynham's conservation area (Cellar Hill and Green Street conservation area) and one of the listed buildings contained within this Conservation Area, namely the grade II listed Alverley House at 61 London Road, which dates from the 17<sup>th</sup> century.
- 8.11 There are however, very limited visual connections between the application site and the aforementioned designated heritage assets. The conservation area has a linear form, and is primarily experienced in terms of views of groups of buildings fronting onto either the main A2 London Road (Green Street), or onto Cellar Hill. Where some glimpsed views exist between the buildings along the northern edge of the conservation area off London Road, these in part, reveal the southern boundary of the application site, but with no clear views across the site itself due to tree coverage and boundary screening.
- 8.12 There does, however, remain some historical association between the conservation area and the application site by virtue of the latter's historic use as orchards, connected with the use of some of the buildings along London Road, and remnants of the former significant commercial orchard area which still survive today. This remnant area provides an attractive natural space and will allow for a recreational, visual amenity and ecological resource. The requirement for the retention and enhancement of this area is a specific requirement of policy A19. This has been recognised within the application and as such I am of the view that the historical

significance of the orchard and its links with the conservation area as described above have been appropriately dealt with and will lead to an enhancement in this regard. To ensure that this is dealt with appropriately I have included relevant landscaping conditions and in addition to this a requirement for a Landscape and Ecological Management Plan has been recommended by KCC Ecology. As such, to ensure the on-going management of this specific area I have imposed this condition.

- 8.13 In respect of the landscaping upon the rest of the site, policy A19 (which is set out in full above) requires a strong landscape framework that includes retention and enhancement of existing hedgerows and provision of new hedgerow planting. In addition, the indicative drawing which accompanies policy A19 shows the general areas within where planting should be enhanced and retained.
- 8.14 Firstly, the application proposes the retention of the hedgerow along the central part of the site. However, the application when originally submitted failed to provide hedgerow planting along the northern boundary and failed to provide landscaping within the south western part of the site, where a landscape buffer was envisaged. This was raised with the applicant / agent and the response has been to add a 2m wide hedgerow along the northern boundary and a 2m wide hedgerow along the southern part of the site. In terms of the northern boundary, I am of the view that this satisfies the aims of policy A19. In relation to the southern boundary, the indicative drawing indicates that a landscape buffer should be provided. Although I am of the view that a 2m wide hedge falls short of what could be described as a landscape buffer, I also take into consideration the tree planting that is proposed along the southern boundary. I also give weight to the lack of harm that has been identified in respect of the conservation area which lies to the south of the site. As such, although in this specific area the hedgerow and tree planting falls short of a landscape buffer, when this is balanced against the rest of the landscaping within the scheme and the lack of harm to heritage assets I am of the view that what has been provided is acceptable.
- 8.15 Aside from the hedgerow planting, the scheme also includes a number of street trees which I believe will have a positive impact upon visual amenities and also allow for opportunities for biodiversity enhancements. Overall I am of the view that the landscaping strategy for the site satisfies the vast majority of the aims of policy A19. I believe that the proposal will give rise to enhancements in terms of landscaping and as such I take the view that this element of the scheme is acceptable.
- 8.16 The proposal also seeks to demolish two existing properties in Station Road in order to increase the visibility splay for the existing access to Nobel Close. Local concern has been raised in respect of the contribution that these two properties make in heritage terms. In my view, the properties are clearly Victorian although have lost a number of their original features and now have a number of modern elements such as uPVC windows. This has eroded the original character of these properties in my view. In addition, the properties are not listed, nor in a designated area. Furthermore, I note that the demolition of the properties is to provide sufficient access to a site allocated in the Local Plan for housing. As such, I take the view that the demolition of these properties would not give rise to any significant harm to visual amenities.

### **Residential Amenity**

- 8.17 The application site is bounded by existing residential development to the north, west and south. Concern has been raised from local residents in respect of overlooking

from the proposed dwellings and due to the location of the site the impact of the development upon residential amenities requires careful consideration.

- 8.18 The Council would expect that rear-to-rear separation distances are a minimum of 21m. In terms of the southern boundary, the closest relationship between the proposed dwellings and those in London Road is 27.5m increasing to 43m at the furthest point. Along the western boundary to the south of Nobel Close, the closest proposed dwelling is 32m from the existing properties in Station Road, rising to 43m at the furthest point. As such, I have no serious concerns in this regard in respect of the overlooking or a loss of privacy.
- 8.19 To the north of Nobel Close the existing building line is irregular. The closest proposed property to the existing front elevation of the dwellings in Nobel Close is 25m and as such I am of the view that this relationship is acceptable. Aside from one instance, the remainder of the separation distances along this boundary are comfortably in excess of 21m. The separation distance falls below this in the case of the relationship between No.72 Station Road (the former Teynham Medical Centre) and unit 65 which is 19.5m away. However, it is important to note in this case that the medical centre is now vacant and in any case its lawful use is within class D1 (non residential institutions). As such I am of the view that this separation would not give rise to any unacceptable overlooking or a loss of privacy.
- 8.20 Along the northern boundary, due to the layout of the existing properties in Nutberry Close there are a limited number of rear elevations which have a direct relationship with the proposed properties in this part of the site. Of those that do, No.9 Nutberry Close is separated from unit 79 by 21m. This achieves the minimum separation distance and in addition to this I note that the rear elevation is turned away from the proposed unit to some extent. As such, I consider the layout in this regard not to give rise to unacceptable harm to the amenities of existing occupiers.
- 8.21 I have also carried out an assessment of the impact of the future residents of the site as follows. In the vast majority of case the minimum separation distance of 21m between proposed properties has been achieved. In the instances where it does not, which are limited to the separation distance between units 38-44 and 45-54 it falls short by such a marginal amount (0.5m) that I take the view that the impact would not be unacceptable. I have also assessed the private garden sizes of the properties and again, in the majority of cases the minimum depth of 10m, which the Council would usually seek, has been met. In the instances where it has not, the shortfall is limited to 0.5m in most cases, although there are three units where the garden depths are 8.5m. In these cases, I have assessed what I consider to be the usability of these private amenity spaces and take the view that in all cases they provide a sufficient level of space not to unacceptably comprise the amenities of future occupiers. As such, I am of the opinion that the provision of private amenity is appropriate for this development.

### **Highways, Access and Parking**

- 8.22 I note the concern raised by neighbours in respect of highways issues, in particular in relation to the capacity and safety of the surrounding network. Policy A19 of the Local Plan is clear in that the proposal should be supported by a Transport Assessment and provide appropriate traffic improvements and management measures, including at the junction of Station Road and the A2 and at other locations as appropriate.

- 8.23 In order to comprehensively assess the highway impacts of the scheme and to reach a view on the acceptability of the proposal upon both the strategic and local highway network, Highways England and KCC Highways & Transportation have been consulted and I make the following observations based upon their responses, which are summarised above.
- 8.24 Firstly, Highways England in this case have paid particular attention to the impact of the development upon the A249 and the M2 at junction 5 to 7. They have commented that they believe the broad scale of trips identified within the Transport Assessment as being realistic. In summary, this equates to an estimated peak hour increase of 6 trips at the M2 Junction 7 which is not considered to have a material impact on the safe and efficient operation of that junction. In respect of northbound trips on the A249, the Transport Assessment predicts that there will be 15 additional over a 60 minute PM peak period and therefore it is unlikely that traffic increase of this scale would significantly increase queues and delays on the northbound off-slip. On this basis, no objection is raised in relation to the impact upon the strategic highway network subject to the imposition of a condition requiring a Construction and Environmental Management Plan, which I have recommended as below.
- 8.25 In relation to the local highway network, in order to improve the visibility of the access to the site to accommodate traffic generated by the development, as stated above, the application proposes the demolition of No.56 and 58 Station Road. The design of the junction and the footway build out in Station Road has been developed on the basis of discussions between KCC Highways & Transportation and the applicant's highways consultant and it is considered that an appropriate design has been submitted. Furthermore, KCC Highways & Transportation are of the view that having assessed the Personal Injury Data over what is the appropriate 3-year study period that there are no trends to suggest that there is a pre existing safety issue which would be worsened by this proposal.
- 8.26 In respect of parking, the proposal delivers the quantum of parking as required by the document against which proposals are assessed. Some concern was initially raised in respect of the tandem parking spaces, although in many cases 3 spaces are provided per plot to mitigate against this. However, to further mitigate some additional on street parking was requested. There was also concern regarding the potential for the car ports to be converted which would restrict the availability of on plot parking. Discussions on this basis have taken place between KCC Highways & Transportation, the applicant's highway consultant, the applicants and Officers. The result of this is that the details of the car ports have been provided which confirm that they are designed in such a way which makes them difficult to convert. In addition, the applicant has confirmed that covenants will be placed upon the properties restricting their conversion and in addition a relevant condition has been recommended to retain the parking spaces for such use. KCC Highways & Transportation have reached the view that this is an acceptable approach. As such, due to the amendments and the conditions imposed I am of the view that the parking provided for the proposed properties is appropriate in both its amount and location and will not give rise to harm to highway safety or amenity.
- 8.27 Currently, on street parking occurs along the western side of Station Road, however, the majority of these spaces will be lost due to the introduction of parking restrictions in Station Road. The process by which the parking restrictions will be introduced is via the advancement of a Traffic Regulation Order, which is outside of the planning process. As such, this will need to be agreed separately from this application. However, in order to address this, policy A19 of the Local Plan sets out that the proposal will provide an off street car park. The indicative site allocation drawing



shows the potential for this car park to be provided in a block form close to the western boundary of the site. The application has come forward with this off street parking area along the western boundary but in a linear arrangement. Although in visual terms, the proposed car park will be laid out in a different fashion to that envisaged in the Local Plan, I am of the view that the solution to this issue that has been submitted for consideration is an enhancement on the indicative drawing contained in policy A19. The reason for this is that a car park encroaching further into the site with its associated hard surface treatment would in my opinion have a harsher appearance. I believe that the proposed location will be softer in terms of its impact on the development as a whole. I also note the planting that has been proposed which I consider will further mitigate against the visual impact. On this basis, I am of the view that the landscaping conditions recommended will ensure that this issue is dealt with appropriately.

- 8.28 I note a number of comments that have been received from the Parish Council and local residents in respect of the proposed car parking arrangement. There is some concern that the removal of vehicles from Station Road would allow for faster vehicle speeds along Station Road. However, some spaces, including the disabled spaces, would remain in situ and would mitigate against this. It is also noted that in response to concerns regarding parking space numbers that the parking spaces to be provided, which total 46 to the rear of Station Road, will be greater than the amount being removed. Points have also been raised regarding the on-going management of these spaces which in my view is a key aspect of the success of this element of the proposal. I have discussed this with the applicant who has confirmed that it will be placed within the control of a management company. I am of the view that this is an appropriate solution, although at the current time there is a lack of detail in respect to what this would entail. As a result I have recommended a condition requiring a car park management plan to be submitted. I also note the comments of Kent Police who consider that some issues remain to be addressed, although the majority of these relate to this specific car park. These would be matters of detail that I would expect to come forward as part of the details submitted in the parking management plan. On this basis I consider that the car park will provide an acceptable solution to the existing parking arrangement on Station Road.
- 8.29 In addition to the parking spaces for the Station Road residents the application also provides 12 dedicated spaces for the residents of the properties in Nobel Close. These will be provided in a linear fashion to the front of these properties which face towards the application site. The current parking arrangement for the residents in Nobel Close is informal and I noticed vehicles parked along what will be the main access into the site when undertaking my site visit. This dedicated parking area will in my view be a benefit to the existing residents whilst at the same time removing vehicles from the highway which are currently parked in an informal manner.
- 8.30 As required by policy A19, the application also provides additional access points onto Station Road to the north west of the site and London Road to south. It is noted within the submission that the route from the north western part of the site to Station Road is currently in third party ownership and as such subject to agreement outside of the planning process. KCC Highways & Transportation have taken the view that this is important for those residents in the northern part of the development to have a more direct route to local services and facilities including the Primary School and the railway station. I entirely agree with this view. As a result of this, I have recommended a condition which requires this access to be provided prior to the occupation of any of the dwellings in the northern half of the site (units 55 to 129). This will allow the agreement between the applicants and the third party the

opportunity to be resolved whilst at the same providing reassurance that the link will be provided.

- 8.31 In respect of the access in the southern part of the site connecting through to London Road, this is within the control of the applicant. Members will note that this does provide vehicular access but only to an existing parking arrangement close to the southern boundary of the site. The vehicular access will be blocked off further to the north meaning that this access will be retained as a vehicle and cycle access into the application site. This is in my view acceptable and accords with the requirements of the Local Plan.
- 8.32 On the basis of the above, KCC Highways & Transportation raise no objection subject to the securing of highway contributions (discussed in more detail below), the obligation to advance the Traffic Regulation Order for the implementation of the proposed waiting restrictions on Station Road and a number of highway related conditions which have been recommend below.

### **Building For Life**

- 8.33 I have also made an assessment of the scheme against Building for Life 12 (as agreed by the Local Plan Panel on 25.04.18), and consider that it scores extremely well in terms of this. My assessment is appended.

### **Air Quality, Noise and Land Contamination**

- 8.34 An Air Quality Management Area – which runs from No.75 London Road to No.109 London Road - is located approximately 100m from the site. An air quality assessment has been submitted with the application and I have consulted with the Council's Environmental Protection Team Leader. As is standard practice the air quality assessment has divided air quality issues into two, those from construction activities and those from vehicular sources. In respect of construction activities the assessment is based upon the predicted air quality impact on twelve nearby sensitive receptors. In respect of this the baseline levels for 2017 and 2021 are compared with the predicted levels for the same two years. The results fall comfortably below the levels of concern and therefore in respect of the impact of construction activities upon air quality there is no significant concern raised.
- 8.35 In terms of vehicular traffic, the main air pollutants of concern are nitrogen dioxide (NO<sub>2</sub>), and particulates PM<sub>10</sub> and PM<sub>2.5</sub>. Although the predicted levels for NO<sub>2</sub> fall below the relevant objective level, there was initially concern raised that although the impact on all receptors was described as negligible, predicted levels at four of the receptors was set out in the report as being 'medium'. As such, the Council's Environmental Protection Team Leader originally did not accept the Air Quality assessments conclusion that there was no necessity to employ mitigation measures as it was considered that this was inconsistent with some of the observations regarding the predicted impact.
- 8.36 Further to the above, the Council's Environmental Protection Team Leader and the applicant's Air Quality Consultants have liaised and a further Technical Note has been provided. The Technical Note includes a number of mitigation measures which will be introduced which includes the following:
- Electric vehicle charging points;
  - Low NO<sub>x</sub> boilers: Potterton Promax Combi NO<sub>x</sub> 5 (best in class), which complies with the Code for Sustainable Homes;

- Provision of fibre broadband to enable increasing homeworking tendency;
- Pedestrian and cycle linkages are proposed to the north and south of the site, leading to Station Road and the A2 London Road;
- Nobel Close will be developed with 2.0 metre footways on either side.

KCC Highways have also requested contributions to general improvement works along the A2 which the applicant has agreed to. This will contribute to the management of traffic and pedestrians along the A2 which will in turn make a contribution towards the aims of mitigating against air quality impacts.

- 8.37 I have re-consulted with the Council's Environmental Protection Team Leader on this basis who has commented that the main concern was related to mitigation measures which the original report had concluded was not necessary. However, on the basis of the above mitigation measures the view has been reached that the impact upon air quality will be unlikely to go above what are accepted levels. In respect of how this can be controlled, I have recommended a condition requiring electric vehicle charging points to all dwellings with a closely associated car parking space. This effectively means that all the apartments, which total 22 units on the site would not benefit from this as the parking spaces for these units is provided communally and charging points would be difficult to implement. I have continued to liaise with the Environmental Protection Team Leader who has confirmed that he considers this to be an acceptable solution. In respect of the other mitigation measures, the efficiency of the boilers would be dealt with under Building Regulations. In terms of broadband I have recommended a condition requiring adequate underground ducts to enable this to be installed. The accesses to the site are controlled by the relevant conditions requiring these to be provided whilst the 2m footpath on Nobel Way is shown on the drawing which the development will be required to be completed in accordance with. As such, I am of the view that the proposal would not give rise to significant additional harm in respect of air quality.
- 8.38 In relation to noise and land contamination, respective reports have been submitted dealing with these two issues and the Environmental Protection Team Leader considers conclusively that impacts of noise will not give rise to any particular harm.
- 8.39 In terms of contamination, some elevated levels of lead have been identified in a part of the site and the recommendation that this is investigated and dealt with if necessary. I note the condition recommended by the Environment Agency in respect of contamination and therefore I am of the view that this will ensure that any contamination on the site is adequately dealt with.

### **Ecology, Drainage and Archaeology**

- 8.40 The supporting text to policy A19 sets out that the existing traditional orchard area on the site is a UK BAP (Biodiversity Action Plan) priority habitat which should be retained and supplemented with new orchard planting as necessary. In addition the supporting text sets out that supporting information will be required to assess the extent and importance of habitats and species on the site and to provide recommendations in respect of these. A number of documents have been submitted with the application as required and the mitigation measures proposed can be summarised as follows:
- Traditional orchard UK BAP Habitat – partly to be retained and mostly to be enhanced;
  - Bats – check of potential roosting features prior to tree removal, detailed lighting scheme, new roosting opportunities to be incorporated into buildings;

- Reptiles – capture and translocation to onsite enhanced receptor site;
  - Breeding Birds – Avoid breeding bird season in all vegetation, incorporation of new nesting opportunities;
  - Invertebrates – habitat enhancements within the traditional orchard;
  - Other mammals – precautionary measures during construction phase;
  - Invasive species (Japanese knotweed and Rhododendron) to be removed under specialist care.
- 8.41 KCC Ecology have been consulted and are of the view that the mitigation measures provided are sufficient. They have recommended a condition requiring a biodiversity method statement to ensure that the proposed mitigation can and will be implemented. I have included this condition below to ensure that this is adequately dealt with. In addition to this, KCC Ecology have also considered it appropriate to recommend a condition requiring a Landscape and Ecological Management Plan. This is to ensure that the site retains its ecological interest and to enable the appropriate management of any created ecological features.
- 8.42 In regards to drainage, a Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. Members will note from paragraph 6.03 that the Lead Local Flood Authority have now removed their holding objection after receiving a satisfactory response from the Environment Agency that the matter of infiltration can be dealt with via a condition. Therefore, the Lead Local Flood Authority have recommended three conditions to ensure that the surface water from the site can be adequately drained. I have included these conditions below and am of the view that that this will adequately deal with this issue. The Lead Local Flood Authority did comment that there is still a minor risk that the appropriate design arrangements for infiltration may need special consideration within the design layout and which may need later variation. However, if this was to be the case and the application was altered in a material way then this would require a separate consent from the Council. As such, I do not believe that this possibility would prejudice this scheme if it was to be approved.
- 8.43 Members will note from the consultation section above that Southern Water have requested two conditions, one in regards to sewerage infrastructure and one relating to foul and surface water sewerage disposal. In order for a condition to be imposed it is required to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; reasonable in all other aspects). Having assessed these conditions against the six tests I am of the view that the requirement for the development to align with the delivery by Southern Water of any sewerage network reinforcement required would fail to meet the test of being relevant to planning. This would be a matter solely between the developer and Southern Water and for that reason I have not recommended this condition. In terms of the second condition, I have recommended that this is amended to remove reference to surface water disposal as this is dealt with under conditions recommended by the Lead Local Flood Authority. For this reason I have included the condition to require details of foul water disposal and believe that this adequately addresses this issue.
- 8.44 The site is located within an area of potential archaeological importance and as such an Archaeological Desk Based Assessment has been submitted. I have consulted with the Archaeological Officer at KCC who agrees with the general conclusion that archaeological mitigation can be dealt with via a condition. However, he believes that the potential for archaeological remains in respect of later prehistoric and Roman remains and the potential for Palaeolithic archaeology has been understated. As a result of this a condition requiring an archaeological evaluation followed by further mitigation as appropriate has been recommended. I have included this condition and

on this basis am of the view that any archaeological remains that are on the site can be appropriately protected.

### **Developer Contributions and Affordable Housing**

8.45 Members will note from the consultation responses above that, in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with the additional demand upon local infrastructure. Policy A19 of the Local Plan also sets out that the proposal will provide for the infrastructure needs arising from the development. The contributions that have been requested are as follows:

- Play Equipment - £57,088
- Formal Sports - £75,904
- NHS - £110,880
- Primary Education - £358,992
- Secondary Education - £506,200
- Secondary Education Land - £208,673.28
- Community Learning - £7,734.60
- Youth Service - £4,810.65
- Libraries - £29,056
- Social Care - £8,106.24
- Highways - A2/Station Road - £150,000
- Highways - A2/A251 - £32,640
- Highways - A2 / Swanstree Avenue - £55,174.40
- Highways - A2 / Rectory Road - £43,898.40
- Highways – A2 Improvement Works - £20,000
- Refuse Bins – £14,972
- Strategic Access Management and Monitoring Strategy (SAMMS) – £38,545.92
- An Administration and Monitoring fee

8.46 For clarity, although some of the consultees have recognised that the proposal also includes the demolition of two dwellings some respondents, including the NHS, have requested the payment for 130 additional dwellings. I am of the view, that as developer contributions are required to mitigate the impacts of the development that the impact of the net number of dwellings should be calculated. As such, where the amounts have been calculated on a per dwelling basis I have multiplied this by 128 and consider this reasonable.

8.47 The applicants have agreed to the majority of the payments although the matter of the contribution for the A2 / Station Road junction is still under discussion. As a result I will update Members in respect of this at the meeting.

8.48 The secondary education contribution and secondary education land contribution has also been challenged on the basis that the applicant believes that this does not meet the relevant tests for developer contributions as set out in paragraph 56 of the NPPF. In summary, the applicant is of the view that there is surplus capacity at the Isle of Sheppey Academy and pupils from the Isle of Sheppey are attending schools in Sittingbourne, including the closest school to the application site – Sittingbourne Community College.

8.49 I have referred this challenge to KCC who have responded stating that in 2020/21 there will be a deficit of secondary school places. KCC do not have the power to insist that pupils attend their closest school. Furthermore, Sittingbourne Community College applies its own admission criteria, which is correct according to the

Legislation. Therefore, the necessity for the secondary school age pupils generated by this development requiring school places will need to be mitigated. In my view, this contribution request does meet the tests for developer contributions. I have continued to discuss this with the applicant and KCC although these discussions have not been concluded. As such I am seeking delegation to approve the application subject to the secondary education contribution as sought by KCC Education being agreed.

- 8.50 The secondary education land contribution has also been challenged for the same reasons as the secondary education contribution above. In response to this, there is the possibility that this land will be provided under the application for land at north west Sittingbourne (18/502190/EIHYB). However, this is still to be confirmed and therefore I will update Members at the meeting if this has been clarified by that stage. There is also the option that if there is uncertainty over the contribution that the Section 106 could be worded in such a way that requires this sum only if the land is not provided by an alternative means. As such, if there is no clarification by the time of the meeting then I am seeking delegation to approve the application subject to either the secondary land contribution being provided or confirmation that this land will be provided in an alternative manner.
- 8.51 Policy A19 sets out that the proposals will include provision for affordable housing in accordance with policy DM8. Policy DM8 sets out the range of affordable housing provision that will be required in various parts of the Borough. Within ‘all other rural areas’, the category which Teynham falls into, the requirement is for 40% of the dwellings to be affordable. In terms of this overall figure, this application fully reflects the requirements of the Local Plan by proposing 52 of the 130 dwellings to be affordable.
- 8.52 The supporting text of policy DM8 sets out that the starting point in respect of affordable housing tenures is to seek 90% affordable rent and 10% intermediate products (usually shared ownership). The application was originally submitted with 31 of the affordable units proposed as affordable rent (60%) and 21 as low cost homeownership (40%). I have consulted the Council’s Strategic Housing and Health Manager who initially responded stating that she was comfortable with the distribution and number of affordable units although wished to see a tenure mix which was closer to the 90/10 split as required by the Local Plan. There was also some concern that all the flats were proposed to be provided as affordable units.
- 8.53 In response, the scheme has been amended to provide five of the flats which were previously proposed to be low cost home ownership units as open market units. In addition to this, an additional three two-bedroom dwellings will be provided as affordable rented units. Due to the amendments the scheme now provides 32 affordable rented units (62%) and 20 as low cost home ownership (38%). Officers were of the view that if this tenure mix was to be accepted then evidence would need to be provided from Registered Providers (RP) that they were in support of this as opposed to the 90/10 split. This evidence has been received in the form of letters from four separate RP’s who all support the stance of the applicant. On the basis of the information received I have liaised again with the Council’s Strategic Housing and Health Manager. She has confirmed that she accepts the letters from the RP’s as evidence to support the tenure split that has been provided. As such, I believe that it is important to note that the scheme is providing 52 affordable units which is 40% of the total that the Local Plan requires. Although the tenures differ from the 90/10 split that the Local Plan envisages I am confident that as the RP’s have given their support to the mix that it will meet an identified need. On this basis I believe that this affordable housing element of the scheme is acceptable.

### **The Conservation of Habitats and Species Regulations 2017**

- 8.54 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). 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.
- 8.55 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£301.14 per dwelling on developments of 10 or more units, as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.56 However, 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 a 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 (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.57 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (130 new dwellings with 2 dwellings being demolished on an allocated housing site within the built up area, with access to other recreation areas including open space within the development) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. The allocation of the site in the Local Plan means that it would have been considered during the adoption process of the Local Plan. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.58 It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

### **Other Matters**

- 8.59 Although I consider that the majority of the matters raised in the objection letters have been addressed by virtue of the discussion above, of those that remain I respond as follows. Firstly, in terms of a perceived lack of employment to support the development I consider that the site has been allocated through the Local Plan for residential use which allocates land for a mix of uses, this includes housing and

employment. A number of the comments received are seeking the applicant to undertake separate works outside of the application, including providing dropped kerbs to existing properties. In my view this would be outside of the scope of the requirements of the Local Plan and consider it unreasonable to request this. Further to this, I believe that a number of issues raised, such as spoiling the view, liability for flooding, compensation for the right to peace and quiet, the Party Wall Act, asbestos and questions regarding who will be buying the properties to be matters which do not constitute material planning considerations. Finally, comments have been made regarding the adoption of Nobel Close, however, this would be a matter for KCC and does not have a bearing upon the determination of this application.

- 8.60 I also note the objection that has been received from the occupier of No.44 Station Road. The proposal seeks to introduce the 'out access' from the car park (provided to mitigate against the loss of parking on Station Road) between No.s 42 and 44 Station Road. In specific response to the concerns raised regarding the introduction of this access (overshadowing, loss of light, overlooking and loss of privacy, noise and reduction in air quality) I respond as follows. Firstly, as it would be vehicles and pedestrians using this access road I do not believe that this would give rise to a loss of light or overshadowing to any significantly harmful degree. In addition, the property on either side of the access road would essentially become corner plots. I consider this to be an entirely typical arrangement and a relationship with the highway which a number of dwellings have. Finally, I note the comments regarding the respiratory condition which an occupant of No.44 Station Road requires medication for. Whilst I have personal sympathy with this situation, from a professional standpoint I refer to the comments of the Environmental Protection Team Leader as set out above, who does not consider that the proposals would give rise to unacceptable harm in respect of noise or air quality.

## 9.0 CONCLUSION

- 9.01 In overall terms I am of the view that this application satisfies in almost all respects the aims of policy A19 and I believe that the development will provide a good quality proposal which will respond to its setting at the edge of Teynham. I have attached the assessment of the proposal against the Building for Life criteria and as detailed believe that this scheme represents in layout, visual and design terms a development which scores particularly well.
- 9.02 As set out in the report, there are no objections from statutory consultees and I am of the view that the objections raised by the Parish Council and neighbours have been adequately addressed.
- 9.03 In conclusion, subject to the developer contributions being agreed in relation to the A2/Station Road junction, secondary education / land and the signing of a suitably worded Section 106 agreement and the conditions set out below, I take the view that the proposal is acceptable and recommend that planning permission is granted.

## 10.0 RECOMMENDATION – GRANT Subject to the signing of a suitably worded Section 106 agreement, the resolution of the outstanding s106 matters set out above, and following conditions.

- 10.01 Delegated authority is also sought to agree such amendments to the s106 and planning condition wording that may reasonably be required.



- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: PR289. 14858.001 Site Location Plan Rev A; PR289.14858.050 Proposed Block Plan Rev D; PR289. 14858.051 Proposed Site Plan Rev E; PR289. 14858.052 Coloured Block Plan Rev B; PR289. 14858.060 Refuse Strategy Plan Rev D; PR289. 14858.061 Parking Strategy Plan Rev D; PR289. 14858.063 Boundary Treatment Plan Rev D; PR289.14858.064 Dwelling Distribution Plan Rev D; PR289. 14858.065 Storey Height Plan Rev D; PR289.14858.066 Tenure Allocation Plan Rev E; PR289.14858.067 Road Hierarchy Plan Rev D; PR289. 14858.068 Affordable Tenure Plan Rev E; PR289. 14858.101 Sandown Rev B; PR289. 14858.102 Elmswell Rev A; PR289. 14858.103 Sussex Rev C; PR289. 14858.104 Hartley 1 (Detached) Rev C; PR289.14858.105 Hartley (Semi Detached) Rev B; PR289. 14858.106 Hartley 2 Rev B; PR289. 14858.107 Chelsworth Rev A; PR289.14858.108 4B6P Rev A; PR289.14858.109 HA1 House Type Rev A; PR289.14858.110 HA2 House Type Rev A; PR289.14858.111 HA3 House Type Rev B; PR289.14858.112 HA4 House Type Rev A; PR289.14858.113 HA4 (with Bay) Rev A; PR289. 14858.114 Type O Rev A; PR289.14858.115 HA 4 (with Bay variation) Rev A; PR289.14858 116 2 Storey Apartment Rev A; PR289. 14858.117 2 Storey Apartments (Proposed Plans); PR289.14858.118 2 Storey Apartments (Proposed Plans); PR289.14858.119 3 Storey Apartments (Proposed Ground Floor Plan) Rev A; PR289.14858.120 3 Storey Apartments (Proposed First Floor Plan) Rev A; PR289. 14858.121 3 Storey Apartments (Proposed Second Floor Plan) Rev A; PR289. 14858.122 3 Storey Apartments (Proposed Elevations 1) Rev A; PR289.14858.123 3 Storey Apartments (Proposed Elevations 2) Rev A; PR289.14858.150 Proposed Site Section (1) Rev B; PR289. 14858.151 Proposed Site Section (2).

Reason: For clarity and in the interests of proper planning.

- 3) 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, and an implementation programme.

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

- 4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- 5) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- 6) Prior to commencement of development, 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 appearance to the development.

- 7) All existing trees and hedges on the site shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 8) Prior to commencement of development, a method statement for the protection of biodiversity, as detailed within the submitted Ecological Assessment report shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) Purpose and objectives for the proposed works; b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives; c) Extent and location of proposed works, including the identification of receptor site, shown on appropriate scale maps and plans; d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; f) Use of protective fences, exclusion barriers and warning signs; g) Extent and location of proposed works shown on appropriate scale plans;

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

- 9) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority, in accordance with a programme to be agreed in writing prior to the occupation of the 1st dwelling. The content of the LEMP shall include the following. a) Description and evaluation of features to be managed; b) Ecological trends and constraints on site that might influence management; c) Aims and objectives of management; d) Appropriate management options for achieving aims and objectives; e) Prescriptions for management actions, together with a plan of management compartments; f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; g) Details of the body or organisation responsible for implementation of the plan; h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interest of biodiversity.

- 10) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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.

- 11) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and it's key components

- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the NPPF (July 2018) and the Non-Statutory Technical Standards for Sustainable Drainage.

- 12) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

- 13) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. following on from the evaluation, 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.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 14) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified: a. all previous uses; b. potential contaminants associated with those uses; c. a conceptual model of the site indicating sources, pathways and receptors; and d. 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of ground or water pollution in line with paragraphs 170, 178 and 179 of the National Planning Policy Framework.

- 15) Prior to the occupation of the first dwelling a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

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

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 17) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 18) 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 protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

- 19) Prior to the occupation of the first dwelling, a Parking Management Plan for Station Road and Nobel Close parking shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan will detail the allocation of the parking spaces for, the control and enforcement measures to be used to manage the parking on site, and it shall be implemented in accordance with the approved framework and shall remain in force for the duration of the approved use.

Reason: In the interests of highway safety and amenity.

- 20) No dwellings hereby approved shall be occupied until the off-site highway works to Station Road indicated on drawings H-02 Rev P1 and H-03 Rev P1 have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and road safety.

- 21) The development hereby approved shall not commence until a Construction Management Plan to include the following has been submitted to and approved in writing by the Local Planning Authority:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and amenity.

- 22) The area shown on the submitted layout as vehicle parking space, car ports, car barns or garages shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 23) No dwelling shall be occupied until space has been laid out within the site in accordance with the details shown on the application plan(s) for cycles to be parked.

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

- 24) The main vehicular access onto Nobel Close, the exit from the car park onto Station Road and the access labelled 'pedestrian and vehicle access' onto London Road shown on the approved plans shall be completed prior to the occupation of any dwellings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 25) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 26) Before the occupation of the first dwelling the following works between that dwelling and the adopted highway shall be completed as follows: (A) Footways and/or footpaths shall be completed, with the exception of the wearing course; (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related: (1) highway drainage, including off-site works, (2) junction visibility splays, (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- 27) 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.

- 28) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 29) 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 use of any dwelling.

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

- 30) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 31) No development beyond the construction of foundations of plots 13-28, 55-59 and 95-111 shall take place until details in the form of samples of external finishing materials in relation to these specific plots have been submitted to and approved in writing by the Local Planning Authority, works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to preserve the character of the conservation area.

- 32) No development beyond the construction of foundations of the plots not listed in condition (31) shall take place until details of the external finishing materials to be used in the construction of these specific plots have been submitted to and approved in writing by the Local Planning Authority, works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.



- 33) No development beyond the construction of foundations shall take place until a colour brochure and specification of the proposed windows and doors (including technical drawings with sections), including the proposed colour finishes, has been submitted to and approved in writing by the Local Planning Authority, works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 34) No development beyond the construction of foundations shall take place until a colour brochure and specification of the proposed rainwater system / products to be used has been submitted to and approved in writing by the Local Planning Authority, works shall be implemented in accordance with the approved details.

Reason: In interests of visual amenities.

- 35) Prior to the occupation of units 55 – 129 the access route in the north western part of the site shall be provided and the specification, which shall include the surface treatment, shall have been submitted to and agreed in writing with the Local Planning Authority prior to its implementation.

Reason: In the interests of the amenity of the area.

- 36) Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately dealt with.

- 37) Prior to the occupation of the relevant dwelling, units 1 – 54, 60 – 94, and 112 – 129 shall be provided with electric vehicle charging points, the specification of which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable sustainable modes of transport.

- 38) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 39) Upon completion, no further development on plots 13 - 28 permitted by Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) shall be carried out.

Reason: In the interests of the amenities of the area.

- 40) The affordable housing mix shall be provided as set out in the email received from Crest Nicholson on 11th September 2018.

Reason: to ensure an acceptable mix of affordable housing is provided.

#### INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

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

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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.

In this instance:

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

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, [www.planningportal.co.uk](http://www.planningportal.co.uk) (search for 'discharge of conditions').

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

