

APPENDIX B

SECOND TABLED UPDATE FOR ITEM 2.1

17/505711/HYBRID Land at Wises Lane Borden

This follows the tabled update sent to Members yesterday, and clarifies the extent of the delegated powers that are sought, together with a further review of planning conditions.

I have no further update for Members regarding the outstanding issue relating to the Public Rights of Way and understand that the applicant is still in discussion with Kent County Council on this matter. Likewise, I have contacted Kent County Council regarding the potential for a contribution towards management / maintenance of the nature reserve, and discussions are ongoing.

I have therefore listed below the matters on which delegated powers for approval are sought

- Resolution of outstanding matters relating to existing public rights of way
- Confirmation from KCC of projects or management / maintenance proposals for the Borden Nature Reserve that would be affected by the increase in use to justify a financial contribution to such works – and agreement with the developer to contribute to this.
- The expiry of the consultation / publicity period relating to the ecology addendum and badger survey, and subject to no objections being raised by KCC Ecology or Natural England.
- Completion of a S106 Agreement in the terms as set out in the report
- The imposition of conditions as set out in the main report, the Tabled update sent yesterday, and those listed below (such conditions being subject to agreement with the applicant in accordance with new requirements)

Amended / Additional conditions

Following further discussion with the KCC Ecologist, the conditions below are recommended, and would replace those listed as conditions 53 and 54 in the main report –

53) No development shall take place (including any ground works, site or vegetation clearance) until a site-wide ecological mitigation and enhancement strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include the following –

- Details of baseline ecological appraisals to inform the strategy
- Measures to review/update existing survey data during the course of the development
- Overview of ecological mitigation requirements
- An overview of ecological enhancements to be secured across the site within the built and open space
- Maps clearly showing the ecological mitigation and ecological enhancement areas
- Details of which phases the habitat creation will be carried out/implemented
- Overview of what management will be carried out

Reason: In the interests of biodiversity

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54) Prior to the commencement (including vegetation clearance) of development in any phase, a detailed ecological mitigation and enhancement strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall be carried out by experienced ecologists, and shall be based on the site-wide ecological mitigation and enhancement strategy submitted as part of condition 53 and shall contain the following:

- Submission of an updated Phase 1 survey
- A review of existing specific species surveys or where required submission of updated specific species surveys
- Overview of the proposed mitigation
- The purpose and objectives for the proposed works:
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- The extent and location of proposed works, including the identification of a suitable mitigation area shown on appropriate scale maps and plans;
- A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Use of protective fences, exclusion barriers and warning signs;
- Production of an Interim management plan for the first phase
- A review / update of the Interim Management plan for all other phases
- A detailed scheme of ecological enhancement measures for that phase.

The development in each phase shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

63) No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. 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) Map showing the management compartments
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

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

I have also added the following landscaping conditions

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64) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include

- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
- (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
- (c) details of any proposed arboricultural works required to any retained tree or hedge
- (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development.

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition “retained tree or hedge” means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

65) Notwithstanding the submitted plans, no development beyond the construction of foundations shall take place within phase 1A until full details of both hard and soft landscape works proposed within the curtilage of any dwelling or flat have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

66) All hard and soft landscape works shall be carried out in accordance with the approved details under condition 65). 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.

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

67) 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.

67) No development beyond the construction of foundations within Phase 1A shall take place until a detailed hard and soft landscaping scheme, for all public areas beyond the curtilage(s) of any dwelling or flat has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include –

- Details of the type and quantum of open space to be provided (based upon the information contained within the Design and Access Statement / Development Brief submitted with the application)
- Soft landscaping proposals, to include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- Hard landscaping details for the public areas, to include details of footpaths and cycleways (including surface finishes), any means of enclosure, litter bins, dog bins, and benches.

Reason: In the interests of the visual amenities of the area and recreation.

68) The development shall be carried out in accordance with the details approved under condition 66 prior to the occupation of no more than 40 dwellings within Phase 1A. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within ten 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.

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

69) The details submitted pursuant to condition (2) shall include a detailed hard and soft landscaping scheme for all areas within each phase of development. The scheme shall include –

- Details of the type and quantum of open space to be provided within each phase (based upon the information contained within the Design and Access Statement / Development Brief submitted with the application), and this shall secure at least 2 further equipped play areas within the scheme.
- Soft landscaping proposals, for public and private areas to include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall

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be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

- Hard landscaping details for the private and public areas, to include details of hardsurfaces, footpaths and cycleways (including surface finishes), any means of enclosure, litter bins, dog bins, and benches.

Reason: In the interests of the visual amenities of the area and recreation.