

2.3 REFERENCE NO - 19/500866/OUT

APPLICATION PROPOSAL			
Outline application for a residential development of up to 9 dwellings and open space, including associated access (vehicular/cycle/pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development. (Access being sought).			
ADDRESS Land At Swale Way Great Easthall Way Sittingbourne Kent ME10 3TF			
RECOMMENDATION Approval, subject to conditions and to SAMMS payments			
SUMMARY OF REASONS FOR RECOMMENDATION			
Development site falls within the settlement confines of Sittingbourne where the principle of residential development is acceptable.			
REASON FOR REFERRAL TO COMMITTEE			
Call in from Cllr Hall			
WARD Murston		PARISH/TOWN COUNCIL	APPLICANT Mr Chris Hall AGENT Vincent And Gorbing
DECISION DUE DATE		PUBLICITY EXPIRY DATE	
29/04/19		20.11.2019	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505280/OUT	Outline Application for residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development.	Allowed on Appeal APP/V2255/W/17/3170533	01.03.2017
15/510505/FULL	Construction of a new community center and associated landscape works	Approved	03.08.2019
<u>Outline Application</u> SW/12/0260	Erection of detached, semi-detached and terraced dwellings and associated garages, layout parking and amenity areas, estate roads, footpaths and landscaping	Approved	25.04.2014
<u>Associated Reserved Matters</u>			
15/510149/REM	All reserved matters sought	Approved	03.06.2016
<u>Outline Application</u> SW/02/1180	Residential development, employment development, open space and supporting facilities	Approved	16.07.2004
<u>Associated Reserved</u>			

Matters			
SW/04/1551	Access	Approved	04.02.2005
SW/05/0930	Layout	Approved	12.10.2005
SW/05/1297	External Appearance, Access, Siting and Design	Approved	03.01.2006
SW/06/0051	Landscaping	Approved	23.03.2006
SW/07/0426	Industrial – layout, scale, appearance and Access	Approved	10.07.2007
SW/07/0431	Neighbourhood Centre	Approved	12.07.2007

1. HISTORY

- 1.1 The subject site forms part of the larger development site of East Hall Farm which was granted Outline consent in 2004, Reference SW/02/1180 for '*Residential development, employment development, open space and supporting facilities*' -granted 16th July 2004.' This was followed by the submission of eight reserved matters, summarised within the planning history above.
- 1.2 In August 20016 a Full Planning Application (ref: 15/510505/FULL) was submitted that relates to the same parcel of land as the subject site located within the broader development site of East Hall Farm but occupying only the southern side. The subject site of this application is contained to the northern side of this same parcel of land. The application was for the '*Construction of a new community center and associated landscape works*'. The community center 'Lakeview Village Hall' is now opened to the public.
- 1.3 A subsequent application is also relevant. This relate to the parcel of land directly to the east of the site. This was for an Outline Application (Ref: 16/505280/OUT) for *Residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development*. The application was Appealed on the grounds of non-determination and was subsequently allowed and planning permission granted by the Planning Inspectorate (Ref: APP/V2255/W/17/3170533).

2. DESCRIPTION OF SITE

- 2.1 The site lies to the south of the roundabout at the eastern end of Swale Way close to its junction with Great Easthall Way and Eurolink V. The site forms an irregular shaped parcel of land with an area of approximately 0.36 hectares which is currently void of development.
- 2.2 The existing access to the village hall from Great Easthall Way runs along part of the western boundary of the site. There is an existing landscaped bund and tree planting on the Swale Way and Great East Hall Way frontage of the site. Apart from the landscape bound, ground levels within the site is generally flat. There is a medium pressure gas pipeline that runs through the site and a 6 metre wide easement passing across the site access and the Lakeview Village Community Hall
- 2.3 Contained within the same parcel of land but to the south is the recently constructed Lakeview Village Community Hall, including associated car park and games court/enclosed grass area, which is set within a landscaped site.

- 2.4 To the south of this is a continuation of Great Hall Way with recent residential development beyond.
- 2.5 There is no other vehicular access into the Great Easthall Estate apart from a bus route which provides access to Oak Road in Murston for buses and pedestrians only. Eurolink IV, a large site comprising of a number of commercial/industrial buildings, lies to the north of the application site. Eurolink V (further commercial/industrial development) is situated on the land to the northeast, on the opposite side of Swale Way to the application site. Sittingbourne Golf Course lies 600m metres to the northeast of the site with agricultural fields stretching to the north (where they meet The Swale) and to the east towards Teynham.

3. PROPOSAL

- 3.1 This is an outline planning application for which all detailed matters are reserved with the exception of the access to the site which is shown on the plans. The access would be taken from Great Easthall Way and would not alter the existing access that has already been constructed on site.
- 3.2 The access would be provided via an existing access road in the form of a short spur off of a mini-roundabout on Great Easthall Way. This current serves the Lakeview Village Hall where access is currently obstructed due to an existing barrier. It is located near the roundabout junction with Swale Way that forms part of the Sittingbourne Northern Relief Road.
- 3.3 An indicative layout has been provided which annotates the provision of seven (7) dwellings, two car parking spaces and associated landscaping. Given that this application is for access only, all other details would be reserved.

4. PLANNING CONSTRAINTS

- 4.1 As set out above, the medium-pressure gas pipeline runs through the southern part of the site.

5. POLICY AND CONSIDERATIONS

- 5.1 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 sufficient supply of homes); 124, 127, 128, 130, 131 (good design).
- 5.2 National Planning Practice Guidance (NPPG): Design.
- 5.3 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); DM7 (Vehicle parking); DM14 (General development criteria); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage).

6. LOCAL REPRESENTATIONS

6.1 One letter of representation has been received. A summary of the comments is as follows:

- The local community was promised local amenities, this has so far yet to materialise.
- I object to more houses until we have a local shops and other businesses in the area.
- We were also promised a second exit to the site which has failed to happen along with the relief roads.
- Concern raised in relation to highway congestion and impact upon existing infrastructure.
- Insufficient consultation

7. CONSULTATIONS

7.1 KCC highways and Transport:

Thank you for your consultation in relation to the above outline planning application for access only. I note that the submitted Transport Statement meets the previously agreed scope and addresses each of the points raised in our pre-application advice to the agent. The Statement establishes that the number of vehicular movements from the proposed dwellings on this site will not constitute an increase over the previously approved healthcare usage, under planning application ref. SW/02/1180. Given this comparison and recognizing the scale of the proposed development, which has now even been reduced under this application, I am satisfied that it does not represent a significant impact to the local highway network. Access to the site has also been demonstrated to be safe and accommodating of all likely vehicle types. Sufficient measures have also been proposed to safeguard the parking amenity of the existing village hall.

Provision for dedicated pedestrian/cycle access has also been considered within the Statement, to allow for a more direct route to Swale Way, as indicated in Drawing No. 122 of Appendix D. Section 4.2.2 agrees that details are to be provided at reserved matters. As this relates to site access, I am of the view that this application should be accompanied by a preliminary design for the link, supported by a Stage 1 Road Safety Audit so that this element may be agreed.

Officer comments: A Stage 1 Road Safety Audit was requested

KCC Comments: (following receipt of Stage 1 Road Safety Audit):

The proposals, subject to detailed design at a later stage under a S278 agreement.

We would not wish to offer any objection to the planning application as it now stands.

7.2 Environmental Services; Senior Scientific Officer:

Noise

I have reviewed the acoustic report submitted with this application (Resound Acoustics dated February 2019). I am satisfied that the findings of the report demonstrate that this application for 9 residential dwellings is acceptable in principle, subject to appropriate mitigation measures and noting the close proximity of busy roads and industrial sites. As the report was based on indicative layout only, I recommend that any outline planning approval be subject to the following condition, requiring a further noise assessment based actual proposed layout and including site specific mitigation measures to achieve the desirable indoor and outdoor noise levels. □

- Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Air Quality

I have reviewed the Air Quality Assessment submitted with this application and am satisfied with its conclusions.

Land Contamination

The submitted Peter Brett Ground Condition Assessment report dated October 2018 is satisfactory and demonstrates qualitatively that this application is acceptable in principle. I therefore recommend the following condition in order that this can be followed up quantitatively:

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, 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) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

I also recommend the following condition, in the interests of the residential amenity of the area during construction works:

Code of construction Practice

Prior to the commencement of the development a Code of Construction Practice shall be

submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and

Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

7.3 **Natural England**

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).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

- 7.4 KCC have requested developer contributions. However – the Council's adopted SPD sets out that such contributions are not required for developments of below ten dwellings.

8. APPRASIAL

Principle of Development

- 8.1 The application site lies within the built confines of Sittingbourne where residential development is accepted in principle. Sittingbourne is the most sustainable location in the settlement hierarchy as set out in the Local Plan (2017). Sittingbourne has a range of local facilities including shops, public house and doctor's surgery with good transport links to other parts of the borough and beyond. It is a sustainable location and as such it is considered to be suitable for residential in the adopted Local Plan subject to consideration of other material considerations submitted at a later stage under reserved matters.

Access

- 8.2 All matters are reserved for future determination with the exception of access.
- 8.3 The main vehicle access point is proposed via the existing main access road which leads onto Great Easthall Way (Hall Road). Separate site access is proposed to the east of the existing mini roundabout serving the Lakeview Village Hall. A barrier currently obstructs the sites access, however the applicant has demonstrated full ownership of this section of land and has full rights for its removal.
- 8.4 The internal road layout has been designed to take account of the highway authority's pre-application advice in particular the carriageway width (5.5m) and the need for a turning head that can accommodate a refuse vehicle. However, this will be subject to detailed design, and further discussions with the highway authority for determination at a later date as part of a layout reserved matters submission, although the general principles are considered acceptable.
- 8.5 Provision for dedicated pedestrian/cycle access submitted as part of a Stage 1 Road Safety Audit has also been considered acceptable by KCC Highways to allow for a more direct route to Swale Way and therefore acceptable in this regard.
- 8.6 KCC Highways are satisfied that the proposal does not represent a significant impact to the local highway network. Access to the site has also been demonstrated to be safe and accommodating of all likely vehicle types including pedestrians under the Stage 1

Road Safety Audit. Sufficient measures have also been proposed to safeguard the parking amenity of the existing village hall.

Residential Amenity

- 8.7 The indicative floor area of the dwellings is capable of securing an acceptable level of accommodation for future residents in accordance with the National Space Standards – Technical Guidance.
- 8.8 The positioning of the new dwellings as indicated within the indicative block plan demonstrates that the residential accommodation would not result in overbearing or overshadowing impacts upon the adjacent properties. With regard to overlooking and loss of privacy no adverse impacts have been identified. Plots no, 6 and 7 have the closest proximity however a distance of 21m is maintained between properties and therefore acceptable. Furthermore, the outdoor amenity provision whilst at a minimum provision is adequate to meet the needs of future residents.
- 8.9 Notwithstanding, the indicative layout is for the provision of residential 7 units only. I am of the opinion that as detached houses this is likely to be the maximum number of units that could be accommodated without giving rise to potential overlooking issues and lack of amenity provision leading to substandard levels of accommodation. To increase the on site provision to 9 dwellings as proposed an alternative housing mix would need to be considered.

Visual Amenity

- 8.10 The site is currently is an undeveloped overgrown parcel of land with the Lakeview Community Centre and associated games court, car park and access to the south. The site is prominent in views from the Swale Way roundabout to the north and along Great Easthall Way. I note the retention of the existing trees to the north and west of the site which would be encouraged, not only from the point of view of having a positive visual impact, but also in terms of providing screening for the development and the incorporation of some additional plating around the northern and western perimeter to help soften its impact.
- 8.11 The pattern of development in the vicinity of the site is comprised of a mixture of dwelling types and designs, generally ranging between 2 and 3 stories in height and the indicative scheme would be within this range. The development reflects the general character of the surrounding area that comprise of two storey detached and semi-detached properties. There is scope to provide a well detailed development which complements the existing built form.

Landscaping

- 8.12 Turning to landscaping, policy CP4 of the adopted local plan emphasises the retention of existing trees, hedgerows and other features which contributes to the character and quality of the area, whilst encouraging planting of trees and hedgerows as appropriate using native species. Policy DM14 requires the provision of an integrated landscape strategy that would achieve a high standard of landscaping scheme within the development. I note that the submission indicates retention existing trees to be complemented by additional planting which is encouraged to soften the appearance of the development. It is necessary to create a well landscaped amenity area around

each dwelling to help the development assimilate well within its surroundings and to avoid extensive hardstanding areas within the scheme and this should be addressed within the further submission of reserved matters.

Contaminated Land

- 8.13 A contaminated assessment report by Peter Brett Ground Condition Assessment dated October 2018 was submitted with the application and the Senior Scientific Officer is satisfied that the information provided is satisfactory and demonstrates qualitatively that this application is acceptable in principle. Upon the request of the Senior Scientific Officer a number of conditions would be attached to any approval as a matter of safeguarding.

Other matters

- 8.14 The application has received interest in relation to the lack of community provision which was first put forward in 2003 and 2009 under the (Review) Development Briefs for the larger development site of East Hall Farm, however only one formal objection has been received.
- 8.15 Notwithstanding, the lack of community provision was previously addressed under the planning application contained within the parcel of land immediately east of the site. This was for an Outline Application (Ref: 16/505280/OUT) for *Residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development.*
- 8.16 The application was granted on appeal by the Planning Inspectorate (Ref: PP/V2255/W/17/3170533). One of the points for consideration was whether the development of the site as a neighbourhood centre, specifically a convenience shop would be commercially viable. The Planning Inspector concluded, *'taking account of all the factors...., I am satisfied having regrading to the evidence in this case, that a neighbourhood centre use, in particular a local convenience store, would be unviable on this site'*.
- 8.17 Furthermore, the Planning Inspector states, *'I empathise with the communities wish to see more facilities on Great Easthall Estate, in particular a convenience store, as originally planned in the 2003 and 2009 (Review) Development Briefs. I acknowledge that such a provision would to an extent promote the social well being of the community, however the Brief recognised that retail uses (and other uses) need to be commercially viable. Based on the evidence before me I have found that this would not be the case'*
- 8.18 As such, I consider that provision of community provision within this location was previously addressed. It was demonstrated that a convenience shop would not be commercially viable and for this reason I concur with the conclusions and recommendations drawn by the Planning Inspector.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

- 8.19 This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 8.20 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.
- 8.21 Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 8.22 In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.
- 8.23 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).
- 8.24 NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.
- 8.25 In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

- 8.26 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.
- 8.27 In the event of an approval, agreement would be required for the applicant to pay the SAMMS contribution.

9. CONCLUSION

- 9.1 The proposal entails development within the built up area boundary which is acceptable as a matter of principle. I consider the indicative layout of 7 units would not give rise to unacceptable impacts to residential or visual amenities. As such I recommend this application is approved.

10. RECOMMENDATION

GRANT Subject to the provision of SAMMS payments and the following conditions:

CONDITIONS to include

- (1) Details relating to the appearance, landscaping, layout and scale and appearance of the proposed site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (4) The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (5) All hard and soft landscape works submitted and approved pursuant to condition (1) above 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.

- (6) 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.

- (7) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, 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) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean

Reason: To limit the risks associated with contamination of the site in the interests of future residents

- (8) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of residential amenity.

- (9) Details of sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations shall have been submitted to, and approved in writing by the Local Planning Authority. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of environmental impact.

- (10) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (11) No construction activities shall take place, other than between 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturday with no working activities on Sunday or Bank Holiday.

Reason : In the interests of residential amenity.

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/highwayboundary-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.

(2) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

The Council's approach to the 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.

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

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.

