

2.4 REFERENCE NO - 19/501845/OUT		
APPLICATION PROPOSAL		
Outline application (All Matters Reserved) for the demolition of existing house and the erection of 23 dwellings with access road on land to the rear of the existing dwellings at Bramblefield Lane.		
ADDRESS 2 Bramblefield Lane East Of Iwade Pass Sittingbourne Kent ME10 2SU		
RECOMMENDATION: Grant subject to conditions and a suitably-worded Section 106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION		
The development would be sited on land within the built-up area boundary, where the principle of residential development is acceptable. The development would contribute to the Council's five-year housing land supply. The development would not give rise to any unacceptable planning impacts, including in respect of potential impacts on the amenity of the residents of the adjacent dwellings.		
REASON FOR REFERRAL TO COMMITTEE:		
Called in by ward Members and a Member for an adjacent ward.		
WARD Kemsley	PARISH/TOWN COUNCIL	APPLICANT Mr Tony Hutchins AGENT RDA Consulting Architects
DECISION DUE DATE 12/07/19		PUBLICITY EXPIRY DATE 06/09/19

Planning History

The site has no relevant planning history.

1. DESCRIPTION OF SITE

- 1.1 The application site is located immediately to the north of the rear gardens to the existing dwellings on the northern side of Bramblefield Lane and to the west of the rear gardens of dwellings on the western side of Grovehurst Road at Kemsley.
- 1.2 The dwelling at 2 Bramblefield Lane - which would be demolished to allow access to the site – fronts directly on to the public highway, which is a residential cul-de-sac. The main part of the site, where the 23 dwellings would be sited, is enclosed to the south and east by the rear boundary treatments of the dwellings on Bramblefield Lane and Grovehurst Road. To the west, the site adjoins a heavily vegetated area, while to the north the site is enclosed by a low fence, with farmland beyond.
- 1.3 The Design and Access Statement explains that the existing site levels range from 18.8 metres AOD, where the site adjoins Bramblefield Lane, to a high point of 20.2 metres AOD at the north-west corner. As such, it is considered to be relatively flat.

- 1.4 Number 2, Bramblefield Lane, which is a two-storey dwelling, is the only building on the site. The remainder of the site has been cleared of vegetation and all built structures and is currently vacant, having previously been a residential garden.
- 1.5 The residential development to the south and east is a mix of bungalows, chalet bungalows and two storey houses.
- 1.6 To the north and west, the site adjoins land allocated under Policy MU1 of the Swale Borough Local Plan, which envisages a minimum of 1500 dwellings, two schools, open space and supporting infrastructure on a substantial site that extends from Quinton Road in the south to Swale Way in the north. The part of the allocation that adjoins the application site is subject to a hybrid planning application for 1200 dwellings, two schools, open space, strategic landscaping and supporting infrastructure. The application (reference 18/502190/EIHYB) is currently under consideration by officers, and on the land adjoining this application site the proposals are fully detailed and envisage a mix of 2- and 2.5-storey dwellings.
- 1.7 Members will note that the site is located approximately 250 metres from the Kemsley railway station and the Medical Centre adjacent to the station. The site is also located close to bus stops on Grovehurst Road.

2. PROPOSAL

- 2.1 Outline planning permission is sought for the demolition of existing house and the erection of 23 dwellings with access road on land to the rear. All matters of detail - namely access, layout, scale, appearance and landscaping – are reserved for future consideration.
- 2.2 The application is supported by, among other things, a comprehensive design and access statement and a set of illustrative drawings that show how the site could be developed for a mix of 2-, 3- and 4-bedroom houses, though as Members will appreciate approval is not sought for this – or any other – mix of dwellings; it simply seeks to illustrate that the amount of development proposed could be accommodated on the site.
- 2.3 The ‘Sketch Site Layout’ shows how following the demolition of Number 2, Bramblefield Lane, a new access for the development would be provided running north from the public highway, between the side garden of 4, Bramblefield Lane and the rear of the gardens to Numbers 115 to 125, Grovehurst Road. The drawings show how an access to a standard acceptable to KCC Highways and Transportation, featuring a footpath along one side, two visitor parking spaces and areas of landscape planting could be accommodated on the site of the house to be demolished, which measures 9.4 metres in width where it joins Bramblefield Lane and 7.2 metres at its northern end, where it joins the main part of the site.
- 2.4 In addition to the Design and Access Statement, the application is supported by technical statements dealing with issues such as ecology, drainage and sustainable design and construction.
- 2.5 The application is supported by a location plan, a topographic plan and an existing block plan. In addition, the following illustrative plans have been provided: sketch site

layout, over-looking and bin strategy, diagrammatic site layout, ground floor plans, first floor plans, sample elevations and a sketch landscaping plan.

2.6 The density of development would be approximately 35 dwellings per hectare.

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.65	0.65	NA
Parking Spaces	2	5 visitor spaces and 33 allocated spaces are shown on the indicative layout*.	+36
No. of Residential Units	1	23	22
No. of Affordable Units	0	3	+3

*As noted above, approval is not sought for the layout so the final number of car parking spaces would be agreed at the reserved matters stage, if outline permission is granted.

4. PLANNING CONSTRAINTS

4.1 None present.

5. POLICY AND CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF): Paragraphs 7, 8, 11 (sustainable development); 59 – 76 (delivering a sufficient supply of homes); 102 (transport); 127 and 130 (achieving well designed places); 165 (sustainable drainage systems) 170 (local and natural environment); 175 (biodiversity) are relevant to this proposal.

5.2 As Members will be aware, the Council has declared a Climate Change and Biodiversity Emergency. Recent correspondence with Government advises that this declaration is a material planning consideration in the determination of planning applications. The annex to letter also advises, however, that it remains the case that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies ST1 (delivering sustainable development in Swale); 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); 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 (sustainable drainage / flood mitigation); DM24 (conserving and enhancing valued landscapes); DM28 (biodiversity conservation), and MU1 (land at North West Sittingbourne, which is referred to at paragraph 1.6 above).

6. LOCAL REPRESENTATIONS

6.1 The application has been advertised by site and press notices, and direct consultation with 46 local residences.

6.2 Eight responses have been received from seven addresses, and the comments made are summarised as follows:

- Security of existing properties will be reduced by this development;
- Adjacent properties and their outbuildings could be damaged during demolition and subsequent construction of the development;
- What form will boundary treatment take?
- The vehicular access would be better sited elsewhere, possibly via the new roads proposed as part of the housing development proposed immediately to the north (see 18/502190/EIHYB);
- Vehicle movements on Bramblefield Lane and Grovehurst Road would increase significantly as a result of this development, adding to existing concerns about road safety due to traffic speeds, visibility at the junction, and on-street parking, and potentially could “cause havoc leaving the Lane”;
- Application amounts to over-development, especially taking into account other development planned in the immediate vicinity;
- Is the extra housing needed?
- Will conifer trees be removed to facilitate the development?
- Concern that a through-route will be created, connecting new development to the north to Bramblefield Lane;
- Concern about disturbance during the construction process – dust, noise and construction vehicles;
- Proposed access road is too close to boundaries with gardens of existing dwellings, and there may not be sufficient space for vehicles to manoeuvre at junction with Bramblefield Lane;
- Residential amenity will be undermined by vehicles using the access road, notably from ‘beaming headlights and vibration’; and
- The demolition of a “perfectly good house” would be regrettable.

7. CONSULTATIONS

7.1 **KCC Highways and Transportation** consider that the illustrative access details shown on the submitted plan ref. 18.109.03A are acceptable. Members will note conditions (1) and (15) below and that in due course, details of the vehicular access will need to be formally agreed.

- 7.2 They raise no objection subject to conditions to secure a Construction Management Plan, a highway condition survey, cycle storage details, car parking details, estate road details, and the completion of the access as shown on drawing 18.109.03. With regard to developer contributions, they have requested £2,657.00 per dwelling, index linked, towards off-site highway works and £350 per dwelling to be used to provide bus vouchers for households.
- 7.3 **Highways England (HE)** have considered the implications of the development for the strategic road network, which includes the A249 and the M2 and note that the development would generate a relatively small number of additional peak hour movements on their network. With regard to the M2 Junction 5 they note that there is very little spare capacity, however, and also note the potential for cumulative impacts. As such, they have requested a condition tying the occupation of this development to the delivery of the proposed upgrade of the junction. Members will note condition (20) below. HE have also requested a Construction Traffic Management Plan, and Members will note condition (13) below.
- 7.4 The **Environmental Protection Team Leader** raises no objection subject to conditions in respect of a closure report relating to land contamination, hours of construction, details of electric vehicle charging points and a Code of Construction Practice.
- 7.5 The **Environment Agency** “assessed this application as having a low environmental risk. We therefore have no comments to make.”
- 7.6 **Kent Police** have provided comments on the application, and request the imposition of a condition to ensure that the application incorporates measures relating to Designing out Crime. They also suggest that the applicant / agent liaise with a Designing out Crime Officer to help design out opportunities for crime, fear of crime, anti-social behaviour, nuisance and conflict. Members will note condition (23) below.
- 7.7 The **Greenspaces Manager** raises no objection and agrees that it would not be appropriate to provide open space on site. Instead, developer contributions of £446 per dwelling for play provision and £593 per dwelling for sports pitches are requested, in line with Local Plan Policy DM17 and the Council’s ‘Open Spaces Strategy 2018 – 2022’. The money would be directed towards improving the existing Kemsley Recreation Ground. Members will have noted that the site adjoins a large proposed housing development to the north, which will incorporate sizeable areas of open space. A condition is recommended below to ensure that, if permission is granted, in due course a path will be provided to ensure that residents are able to directly access the open space within this adjacent development.
- 7.8 **UK Power Networks** have no objection to the application.
- 7.9 **Natural England** note that the development would result in extra dwellings, which could result in extra impact on local Special Protection Areas as a result of more people visiting them for recreation. The Council is advised to carry out the Appropriate Assessment process and ensure that the appropriate financial contribution is made to mitigate potential impacts.

7.10 The **Strategic Housing and Health Manager** comments as follows:

- In accordance with Policy DM8, 10% of the dwellings should be delivered on site as affordable dwellings, amounting to three dwellings;
- The tenure split should be 90% affordable rent and 10% shared ownership;
- Noting the indicative mix of house types, it is requested that these be provided as 1 two-bed affordable rented unit, 1 three-bed affordable rented unit and 1 four-bed shared ownership unit; and
- The Swale Housing Register demonstrates that there is a need for all types and sizes of affordable housing in the Iwade and Sittingbourne areas.

7.11 **KCC Flood and Surface Water Management** initially requested the provision of a Surface Water Drainage Strategy. On receipt of this document, a further response raising no objection subject to conditions (in respect of (i) a detailed surface water drainage scheme and (ii) a verification report) and confirmation from Southern Water Services that they have sufficient capacity for the surface water system from this scheme to connect to their network. They also advise that in the light of testing on site, infiltration of surface water will not be possible and therefore surface water will need to drain to the public sewer.

7.12 **Southern Water Services** have requested a number of conditions, firstly, requiring that the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required. Secondly, that the construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been agreed. In a separate response, they accept that, as a last resort, surface water could be drained from the site to the public sewer network.

7.13 **KCC Ecology** following clarification of the suitability of surrounding vegetation for roosting bats (which confirms the potential is low), no objection is raised subject to an Appropriate Assessment being carried out and suitable mitigation being secured, and to a condition in respect of ecological enhancements (in accordance with paragraph 175 of the NPPF). Members will note condition (24) below.

7.14 The **Climate Change Officer** notes the contents of the 'Sustainable Design and Construction Statement' and considers it to be acceptable in pursuance of Policies DM19 of the Local Plan.

7.15 The **NHS Clinical Commissioning Group** have requested a contribution of £360 per new resident who would be living on the development. As the final mix of dwelling sizes is not known at this stage, I have applied the standard multiplier used by the £19008 for the development as a whole (net 22 additional dwellings).

7.16 **KCC Economic Development** raise no objection, subject to the payment of developer contributions as follows (for the net 22 additional dwellings that would be provided):

- Primary school land* - £2026.22 per dwelling (or £44,576.84 in total);
- Primary education - £4535 per dwelling (or £99, 770 in total);

- Secondary education £4687 per dwelling (or £103,114 in total);
- Secondary school land* - £1932.16 per dwelling (or £42, 507.52 in total)

*These payments will not be imposed, if the school land has already been provided to KCC at no cost.

- Community learning - £60.43 per dwelling (or £1329.35 in total);
- Youth services - £37.58 per dwelling (or £826.84 in total);
- Library - £227 per dwelling (or £4994 in total); and
- Social care - £53.36 per dwelling (or £1173.92 in total).

This would amount to a grand total of **£298, 292.47**.

In addition, it is requested that the affordable housing provision includes one wheelchair adaptable dwelling.

8. APPRAISAL

8.1 *Principle of Development*

The application is located within the built up area for Sittingbourne as defined in the adopted Local Plan. Members will also be mindful that the Council currently does not have a five-year supply of housing sites. As such, the principle of development is established.

- 8.2 The application seeks to establish the principle of building 23 dwellings on the site, which has a site area of 0.65 hectares, providing a development density of 35 dwellings per hectare. This is an appropriate density for the site given the character and mix of existing development on adjacent land. The development would make efficient use of land (as required by the NPPF) without resulting in a scheme that would be out of character with the adjacent development.

8.3 *Visual Impact*

As set out above, all matters of detail are reserved for future consideration should this application be approved. As such, this is largely an issue to be dealt with at the reserved matters stage. Nevertheless, it is reasonable to conclude that 23 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.

- 8.4 The site is well contained by existing development on two sides (namely the south and the east), mature vegetation to the west and on the northern boundary adjoins land that is, as noted above, allocated in the Local Plan for residential development. As such, the development will not have significant impacts on the wider landscape.
- 8.5 I am confident that, in due course, reserved matters details can be agreed for landscape planting such that any local visual impacts are well mitigated.

8.6 Given the predominant scale of development in the vicinity, which is generally no more than two storeys in height, I have suggested a condition below to limit the height of the new development to two storeys.

8.7 *Residential Amenity*

The application is supported by an illustrative ‘Overlooking and Bin Strategy’, which shows the relationship between the site and adjacent dwellings to the south and east, and demonstrates that separation distances between the site boundaries and habitable rooms to existing dwellings would be greater than 21 metres, the minimum standard that the Council applies. In addition, generally the separation distances will be greater than these distances as the proposed dwellings are set off the site boundaries. Members will also note that the height of the dwellings will be limited, by way of condition (25), to no more than two storeys in height.

8.8 With regard to the vehicular access, Members will note that a dwelling is to be removed to allow a vehicular access to be provided from Bramblefield Lane, although the details provided are illustrative, there is sufficient space available to provide an access to a standard acceptable to KCC Highways and Transportation together with space for a reasonable level of landscape planting. Although the use of this access by residents of the 23 dwellings will generate some vehicle movements, the number of movements is likely to be relatively low and the impact on the amenity of the adjoining dwelling in Bramblefield Lane (Number 4) and on those properties on Grovehurst Road that would back on to the new access, is not such that the refusal of planning permission would be justified.

8.9 Members will have noted at paragraph 7.3 above, that the Environmental Protection Team Leader raises no objection. The conditions requested are included below.

8.10 *Highways*

As set out above, both KCC Highways and Transportation (who are responsible for the local road network) and Highways England (who manage the strategic road network), raise no objection subject to the imposition of appropriate conditions and the payment of developer contributions as set out in paragraph 7.2 above. These payments will be secured under the Section 106 agreement that would accompany any planning permission granted for this development.

8.11 With regard to the access and parking layout, as set out above, these matters are amongst those reserved for future consideration. With specific regard to the access, the applicant has provided illustrative details to demonstrate that a suitable access can be provided from Bramblefield Lane. As mentioned above, KCC Highways raise no objection, and appropriate details can be secured at the reserved matters stage.

8.12 *Drainage*

Members will have noted the comments of Southern Water Services (SWS) and KCC Flood and Surface Water Management, at paragraphs 7.11 and 7.12 above, and that neither raise objection subject to the imposition of conditions. These conditions are included below, with the exception of the condition suggested by SWS in respect of the phasing of the development linked to the delivery of drainage infrastructure. Southern Water have referred to initial studies indicating that there is an increased risk of flooding unless the required network reinforcement is carried out. This will be

part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Due to this, a condition is recommended requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.

- 8.13 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 the condition recommended by SWS against the six tests I am of the view that the requirement for the development to align with the delivery by SWS 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 SWS and dealt with outside of the planning process, for that reason I have not recommended this condition.
- 8.14 Members will also note that KCC have subsequently confirmed that surface water will need to drain to the public sewer as infiltration testing has shown that this is not an option for drainage at this site. While SWS state that drainage to the public sewer is a last resort, they acknowledge that in circumstances such as this where this is no alternative, it will be necessary.

8.15 *Developer Contributions*

Members will have noted the contributions requested by various consultees as set out above. These are summarised as follows:

- KCC Highways and Transportation – £66, 154
- Greenspaces Manager – £22, 858
- NHS Clinical Commissioning Group – £19,008
- KCC Economic Development – £298, 292.47

In addition, payments for SPA mitigation (£5402.32), wheelie bins (£2272.60) and a 5% monitoring charge will be payable.

- 8.16 In addition to these payment, 10% of the dwellings will need to be provided as affordable units and one of these will need to be wheelchair adaptable.

8.17 *Sustainable Design and Construction*

As set out at paragraph 5.2 above, the Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration.

- 8.18 Members will note that the applicant has provided a statement making a commitment to incorporate a package of sustainable design and construction measures in the development. Attention is also drawn to conditions (4), (9), (10), (21) and (24) below, which will enable the Council to ensure that the final development incorporates such measures. In addition, if outline permission is granted, the subsequent reserved matters submission(s) will allow the Council to ensure the scheme is designed in a way that takes steps to minimise the environmental impacts.

8.19 *The Conservation of Habitats and Species Regulations 2017*

- 8.20 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.
- 8.21 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 (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.22 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 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.
- 8.23 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the relatively modest scale of development (a net gain of 22 dwellings on a site with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.24 Finally, 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/>).

8.25 *On-site biodiversity*

As set out above, KCC Ecology and Natural England both raise no objection. Members will note condition (24) below in respect of ecological enhancements. I am confident that using this condition, a net gain in biodiversity can be achieved. Among other things, Members will note that the density of development is reasonably low, meaning that there will be a good level of space for the provision of native species planting, which is key to enhancing biodiversity.

9. CONCLUSION

- 9.1 As set out above, this site – located within the defined built-up area boundary – is a suitable one for residential development. The number of dwellings proposed is also considered to be appropriate for the size of the site. Weight also needs to be given to the lack of a five-year housing land supply. As such, I consider that outline planning permission should be given subject to conditions set out below and the signing of a s106 agreement.

10. RECOMMENDATION

GRANT Subject to the signing of a suitably-worded Section 106 agreement (to secure the contributions and affordable housing as set out at paragraphs 8.15 and 8.16 above and the appropriate SAMMS payment) and conditions as follows:

CONDITIONS to include

- (1) Details relating to the access, layout, scale, landscaping and appearance of the proposed building(s) 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 from 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 five years from the date of the grant of the outline planning permission; or two years from the final approval of 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) Notwithstanding the information set out in the 'Sustainable Design and Construction Statement', no development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be 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 as approved, and retained as such in perpetuity.

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

- (5) 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.

- (6) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and any 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:
 - (i) highway drainage, including off-site works,
 - (ii) junction visibility splays,
 - (iii) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- (7) The details submitted pursuant to condition (1) above shall show adequate land reserved for the parking or garaging of cars and such 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) Order 1995 (or any order revoking or re-enacting that Order) or not shall be carried out on such land 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 and detrimental to amenity.

- (8) 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 0730 - 1900 hours, Saturdays 0730 - 1300 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.

- (9) 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.

- (10) The hard and soft landscape details (which shall consist of native species chosen to

enhance biodiversity) agreed 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 a programme agreed in writing with the Local Planning Authority

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

- (11) Upon completion of the approved landscaping scheme, any trees or scrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with tree 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 interest of visual amenities of the area and encouraging wildlife and biodiversity.

- (12) Prior to the occupation of any dwelling or other building secure, covered cycle parking facilities shall be provided for the dwelling or building in accordance with the details that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to facilitate the use of alternative, non-car means of transport.

- (13) A Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any development on site, and it shall include the following:
- (a) Numbers and routing of construction and delivery vehicles to / from site;
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel;
 - (c) Timing of deliveries;
 - (d) Provision of wheel washing facilities;
 - (e) Temporary traffic management / signage;
 - (f) Measures to minimise the production of dust on the site;
 - (g) 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;
 - (h) Design and provision of site hoardings;
 - (i) Measures to minimise the potential for pollution of ground water and surface water; and
 - (j) The location and design of site office(s) and storage compounds.

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

- (14) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken, in accordance with details that shall first have been agreed in writing by the Local Planning Authority, and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

Reason: In the interests of highway safety

- (15) No other development shall take place until completion of the access in accordance with such details as may be agreed pursuant to condition (1) above, and the applicant has secured a Section 278 agreement with the Highway Authority for Highway Works associated with the connection to the adopted Highway.

Reason: in the interests of highway safety.

- (16) The details submitted pursuant to condition (1) above shall include details of a pedestrian and cycle path (including surface treatment and lighting) to connect the development hereby approved to the development proposed under 18/502190/EIHYB on the adjoining land. Before the occupation of the 10th dwelling, the path shall be provided (together with lighting) up to northern site boundary together with a gate in this boundary.

Reason: In the interests of ensuring connectivity and encouraging non-car modes of transport.

- (17) Construction of the development shall not commence until details of the proposed means of foul sewerage disposal has been submitted to, and approved in writing by the Local Planning Authority.

Reason: in the interests of ensuring that appropriate arrangements are in place to deal with foul drainage requirements arising from the development.

- (18) Development shall not begin in any phase 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 be based upon the SurfaceWater Management Strategy (Herrington Consulting Ltd, October 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
The drainage scheme shall be implemented in accordance with the approved details.

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

- (19) 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage

scheme as constructed.

Reason: to ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (20) No part of the development hereby approved shall be first occupied until the contract to construct the Roads and Investment Strategy scheme at M2 Junction 5 (the scheme of works in the May 2018 Preferred Route Announcement) has been let.

Reason: to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- (21) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority setting out and quantifying what measures, or offsetting schemes, are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The details shall include 1 electric vehicle charging point for each dwelling and no dwelling shall be occupied until the charging point for that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- (22) If, during construction works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure potential contamination is adequately dealt with.

- (23) The details submitted pursuant to condition (1) above shall demonstrate how principles relating to minimizing the opportunities for crime and anti-social behavior have been incorporated in the layout, landscaping and building design.

Reason: In the interests of minimising the opportunities for crime and anti-social behaviour.

- (24) No development beyond the construction of foundations shall take place until a scheme of Ecological Enhancements (based upon but not limited to the information in the 'Sustainable Design and Construction Statement') has been submitted to and approved by the Local Planning Authority. The agreed measures shall then be incorporated in the development and retained in perpetuity.

Reason: In the interests of enhancing biodiversity.

- (25) The details submitted pursuant to condition (1) above shall show dwellings extending to no more than two storeys in height.

Reason: In the interests of complementing the character and appearance of existing development in the vicinity of the site.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

