

REFERENCE NO - 19/501921/FULL		
APPLICATION PROPOSAL Full planning application for the erection of 153 No. dwellings, including open space together with associated access, parking, infrastructure, landscaping and earthworks.		
ADDRESS Land At Belgrave Road Halfway Kent ME12 3EE		
RECOMMENDATION Grant subject to the conditions and the signing of a suitably worded Section 106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The application is allocated in the adopted Local Plan for residential use and the proposal is considered to respond well to the context of the site. The scheme would not give rise to any unacceptable impacts upon highway, visual or residential amenities and there are no objections from technical consultees.		
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 17 th December 2019.		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Keepmoat Homes Ltd AGENT Miss Rosie Cavalier
DECISION DUE DATE 30/07/19		PUBLICITY EXPIRY DATE 02/12/19

1. BACKGROUND

- 1.1 This application was first reported to Planning Committee on 7th November 2019 where Members resolved *“That application 19/501921/FULL be deferred to allow the planning working group to meet on site.”*
- 1.2 The site meeting referred to above was held on 25th November 2019 and the application was reported back to the Planning Committee meeting of 17th December 2019. During the meeting, upon being put to the vote, the motion to approve the application was lost. Subsequently a reason for refusal was proposed which was worded as follows:

“The transport improvements offered to address capacity issues within the local highway network are not sufficient to mitigate the harm caused by the additional traffic arising from the development and would result in severe residual cumulative impacts on the road network, (namely at the junction of Minster Road, Halfway Road and Queenborough Road, at the junction of Belgrave Road and Queenborough Road and elsewhere), contrary to Policies A13 and DM6 of the Swale Borough Local Plan - Bearing Fruits 2031, and paragraph 109 of the National Planning Policy Framework.”

- 1.3 As a result of the above the Development Manager deferred the matter to a future meeting. For clarity, the following was resolved:

“That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee.”

- 1.4 I have included the original committee report at Appendix 1, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme. Therefore I will not repeat these details here. The form that this supplementary report will take will be to provide further detail in relation to the proposed reason for refusal and to advise Members on the possible implications of refusing the application on this basis.

2. APPRAISAL

- 2.1 As per the proposed reason for refusal, Members considered that even with the highway improvements, the development would give rise to unacceptable harm to the local road network. Since the 17th December 2019 committee meeting, the applicant's transport consultant has provided further comments in the form of a Technical Note. This Technical Note seeks to respond to concerns which were raised by Members and sets out the mitigation measures proposed.

- 2.2 The agent has provided a summary of the Technical Note as follows:

“In formulating proposals for development at Belgrave Road, Keepmoat Homes have worked closely with Kent County Council to ensure the highways related impacts of the development are mitigated, such that there are no severe residual cumulative impacts on the local road network. The mitigation package offered by Keepmoat comprises:

- 1. Improving junction visibility at Belgrave Road/Queenborough Road junction through realignment of the kerbline.*
- 2. Providing a new gateway feature with dragons teeth road markings relocating the existing 40mph-30mph transition westward on Queenborough Road reducing vehicular approach speeds to Belgrave Road.*
- 3. Widening of Belgrave Road to ensure the efficient two-way use of the carriageway.*
- 4. Increasing capacity at Halfway House traffic signals mitigating against development at Belgrave Road and reducing queue lengths on Halfway Road and Queenborough Road .*
- 5. Implementation of a Travel Plan to reduce dependency on car use.*

In addition to the above, since the last Planning Committee meeting, sustainable travel will now be incentivised through reimbursing the occupiers of each dwelling with £100 for bus travel expenses or £100 towards the purchase of a bicycle/cycle equipment. This measure will supplement the Travel Plan and will be communicated to all future residents within a Welcome Pack.

Cumulatively, the mitigation proposed will benefit future users of the site whilst providing a wider benefit to existing residents of Belgrave Road and users of the local highway network.”

- 2.3 Members will note that the off site highway works detailed by points 1-4 above are as per those set out in the original committee report, provided at Appendix 1. That report also makes it clear that KCC Highways & Transportation considered the mitigation

measures to be sufficient to satisfy the highways related policies within the NPPF and the adopted Local Plan. This included the site specific policy, A 13.

- 2.4 It is also noted that the mitigation measures have now been increased to include a £100 voucher toward either bus travel or the purchase of a bicycle. I have considered it appropriate to gain the further view of KCC Highways & Transportation who have commented as follows:

“The applicant’s highway consultant has produced technical note TN012 to respond to the reasons for refusal that were being proposed at the previous committee meeting that considered the application, and I can confirm on behalf of the Highway Authority that it continues to be satisfied with the level of mitigation offered by the development.

The proposed reason for refusal specified that the harm caused by additional traffic from the development would result in severe residual cumulative impacts on the road network (namely at the junction of Minster Road, Halfway Road and Queenborough Road, at the junction of Belgrave Road and Queenborough Road and elsewhere). However, the assessment for the Halfway Road junction does indicate that the proposed improvements that are to be undertaken there as part of this development would increase the capacity of the junction by much more than would be needed to absorb the traffic being generated by the development.

Similarly, the proposed widening of Belgrave Road and improvements to its junction with Queenborough Road are considered to be proportionate levels of mitigation to offset the impact of an increase in traffic resulting from the development. The widening of Belgrave Road in particular reinforces the acceptable parameters within the design guidance for serving the total amount of dwellings accessed from it, and the improvements at the junction provide better visibility where there is no previous accident history recorded of there being an issue with the current arrangement.

It is welcomed that the developer has now indicated that it will commit to providing each new dwelling with financial incentives towards using public transport or purchasing cycles. Measures like this are widely used nationwide to reduce the impact that a development may have on the highway network, and are encouraged in order to promote sustainable travel associated with the development.

I can therefore confirm that the Highway Authority would agree with the content of the technical note submitted.”

- 2.5 Further to the above, I am of the view that the appropriate mechanism for securing the requirement for the developer to provide occupants of the dwellings with a voucher is via a legal agreement. As a Section 106 Agreement is required in order to secure the contributions set out in original report I believe that it could be included in this document.

Planning Conditions

- 2.6 Members will recall that a number of the conditions originally recommended and set out in the report (at Appendix 1) have subsequently been proposed to be amended. This was clarified by way of the tabled update circulated to Members in advance of the 7th November 2019 meeting. For the avoidance of doubt, I have, in this report, included the conditions as recommended to be amended by the tabled update, although a limited

amount of these have now been amended further as discussed below. This primarily relates to altering trigger points by which information will be required.

- 2.7 At the 17th December 2019 meeting a number of the amended conditions were discussed, which predominately related to the point at which Belgrave Road improvements would be completed.
- 2.8 On the basis that the developer is intending to provide and utilise an alternative construction access to the site other than via Belgrave Road (exercising permitted development rights to do so) I have again discussed the trigger point for providing the Belgrave Road improvements with KCC Highways & Transportation (condition 8). They have commented that the widening can be brought forward as the potential impact upon Belgrave Road from HGVs during the construction phase will have been removed and therefore damage to the highway would be unlikely. Therefore, as Belgrave Road is the sole vehicular access route once the dwellings are occupied, work on widening this road should be carried out prior to additional traffic from the proposed development accessing the site. On this basis, I have recommended the condition is worded to require this work to be carried out prior to occupation of any dwelling. Due to this, I have proposed the removal of the requirement for the temporary widening of Belgrave Road, and the requirement to make good any damage to the highway by construction vehicles which was previously included in condition 11. The reason for this is that this will not be required in light of the permanent works which will be carried out.
- 2.9 I also note that at the 17th December 2019 meeting, Members discussed the inclusion of a further condition relating to energy efficiency, worded as follows:

“The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as Amended) A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.”

- 2.10 The decision on whether or not to add this condition was voted on by Members and agreed. As a result, I have included it below.
- 2.11 In addition to the above, the previous report omitted the condition requiring water consumption to be limited. I am of the view that this condition is relevant and meets the required tests. For this reason I have also included this condition below.
- 2.12 Finally, I have amended the wording of the condition in the original report which secured 10% of the units as affordable housing. This was as verbally updated by Officer's at the 7th November 2019 committee and has been discussed with the Council's Affordable Housing Manager in order to ensure that the condition meets the Council's requirements.

3. CONCLUSION

- 3.1 As set out in the original report and above, I consider the advice from KCC Highways & Transportation to be very clear, advising that the development would not cause any unacceptable highways impacts. I also take into account that the developer has now offered mitigation measures which go beyond what was previously considered to be acceptable. It should also be taken into consideration that the Technical Note, which KCC Highways & Transportation have commented on, took into account the development at Land On The South East Side Of Bartletts Close for 17 dwellings (19/503810/OUT), which is being reported to planning committee on 27th January 2020. This site is located close to the Belgrave Road site and the Technical Note concluded that the traffic impacts from this development would have minimal implications upon the capacity of Belgrave Road.
- 3.2 On the basis of the above reasoning, in the event that the Planning Committee was minded to refuse the scheme on highways grounds, I consider there would be a high likelihood that such a refusal would not be credible at an appeal. This is based on the fact that the Planning Committee has no technical evidence to support a refusal. In my opinion there would be a high risk of costs at an appeal in such a scenario.
- 3.3 My advice to Members remains that planning permission on this site, allocated in the Local Plan for this specific use, should be granted for this development.

4. RECOMMENDATION

GRANT Subject to the following conditions and an appropriately worded Section 106 Agreement (to secure the Heads of Terms as set out in the 7th November 2019 Committee report at paragraphs 8.41 to 8.43):

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: CB_11_135_001 M; CB_11_135_002 J; CB_11_135_003 J; CB_11_135_005 J; CB_11_135_006 J; CB_11_135_007 J; CB_11_135_004; C85883-SK-002 Rev E; P18-1250_05D CB_11_135_FH_CA_E02 A; CB_11_135_FH_CA_P02; CB_11_135_FH_RO_E01; CB_11_135_FH_RO_E02; CB_11_135_FH_RO_P01 A; CB_11_135_FH_RO_P02; CB_11_135_FH_WI_E01; CB_11_135_FH_WI_E02; CB_11_135_FH_WI_P01; CB_11_135_GC_AB_E01 A; CB_11_135_GC_AB_E02 A; CB_11_135_GC_AB_P01; CB_11_135_GC_AB_P02; CB_11_135_GC_BA_E01; CB_11_135_GC_BA_P01; CB_11_135_GC_CA_E01 A; CB_11_135_GC_CA_P01; CB_11_135_GC_KI_P01; CB_11_135_GC_RO_E02; CB_11_135_GC_WI_E01; CB_11_135_GC_WI_E02; CB_11_135_GC_WI_E03 A; CB_11_135_GC_WI_P01; CB_11_135_GC_WI_P02; CB_11_135_SM_AB_E01 A; CB_11_135_SM_AB_E03 A; CB_11_135_SM_AB_P03; CB_11_135_SM_BA_E01; CB_11_135_SM_BA_P01; CB_11_135_SM_KE_E01 A; CB_11_135_SM_KE_P01 A; CB_11_135_SM_LA_E01 A; CB_11_135_SM_LA_P01; CB_11_135_SM_RO_E01; CB_11_135_SM_RO_E02; CB_11_135_SM_RO_P01; CB_11_135_SM_RO_P02; CB_11_135_SM_WI_E01; CB_11_135_SM_WI_E02; CB_11_135_SM_WI_P01; CB_11_135_SM_WO_E01 A; C85883-SK-013E; CB_11_135_SM_WO_P01 B; C85883-SK-031B; C85883-SK-032 B;

CB_11_135_GC_KI_E01 A; CB_11_135_GC_KI_E02 A; CB_11_135_SM_RO_E02 A; CB_11_135_FH_CA_E01 B; CB_11_135_FH_CA_P01 A; CB_11_135_FH_SS_01 B; CB_11_135_GAR_01 Rev A; CB_11_135_GC_CA_E02 B; CB_11_135_GC_CA_P02 A; CB_11_135_GC_KE_E01 B; CB_11_135_GC_KE_P01 A; CB_11_135_GC_LA_E01 B; CB_11_135_GC_LA_E02 B; CB_11_135_GC_LA_P01 A; CB_11_135_GC_LA_P02 A; CB_11_135_GC_RO_E01 A; CB_11_135_GC_RO_P01 A; CB_11_135_GC_SS_01 B; CB_11_135_SM_AB_E01 B; CB_11_135_SM_AB_E02 B; CB_11_135_SM_AB_P01 A; CB_11_135_SM_AB_P02 A; CB_11_135_SM_CA_E01 B; CB_11_135_SM_CA_P01 A; CB_11_135_SM_SS_01 B; CB_11_135_FH_CAA_E01; CB_11_135_FH_CAA_E02; CB_11_135_FH_CAA_P01; CB_11_135_FH_CAA_P02; CB_11_135_GC_FA_E01; CB_11_135_GC_FA_P01; CB_11_135_GC_WI_E04; CB_11_135_GG_KE_E02; CB_11_135_SM_CA_E02; CB_11_135_SM_CA_P02; CB_11_135_SM_CAA_E01; CB_11_135_SM_CAA_E02; CB_11_135_SM_CAA_P01; CB_11_135_SM_CAA_P02; CB_11_135_SM_FA_E01; CB_11_135_SM_FA_E02; CB_11_135_SM_FA_P01; CB_11_135_SM_FA_P02.

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

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) Before the occupation of the 1st dwelling a detailed site layout drawing at a scale of 1:500 showing the boundary treatments to be used across the site, including details of any bricks, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

- 5) Notwithstanding the details as shown on drawing P18-1250_05D, no development beyond the construction of foundations shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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, details of tree pits where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

- 7) 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.

- 8) Before the occupation of any dwelling hereby approved, the off-site highway works to Belgrave Road shown on drawing C85883-SK-036 Revision A shall have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity.

- 9) Prior to the carrying out of any works beyond the construction of foundations, details of the design and specification for the off-site highway works to the Halfway Road Signalised Junction and the Belgrave Road junction with Queenborough Road as shown on drawings C85883-SK-044 Revision A and C85883-SK-034 Revision D respectively shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall then be implemented in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: In the interests of highway safety and amenity.

- 10) Before the development hereby approved is first occupied an application for a Traffic Regulation Order to extend the existing 30mph speed restriction as shown on drawing C85883-SK-034 Revision D shall be made.

Reason: In the interests of highway safety and amenity.

- 11) No development shall take place, including any works of demolition, until a Construction Traffic and Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. routing and timing of construction traffic
 - iv. wheel washing facilities
 - v. measures to minimise the production of dust on the site.
 - vi. 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.

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 12) The area shown on drawing no. CB_11_135_006 J as car parking and turning space shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to the dwellings, 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 the land so shown or in such a position as to preclude vehicular access thereto.

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

- 13) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 14) 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 the occupation of the 10th dwelling. 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.

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

Reason: In the interests of highway safety.

- 16) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles, nesting birds, stag beetles and hedgehogs during construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Working method, including timings, necessary to achieve stated objectives;
 - c) Extent and location of proposed works shown on appropriate scale plans;
 - d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 17) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:
- 1. Retention and enhancement of reptile habitat (receptor site), in accordance with section 3 of the Reptile Survey Report prepared by Kingfisher Ecology and dated September 2019.
 - 2. Retention and creation of habitats of no less biodiversity value than that shown in the conclusions of the Biodiversity Impact Assessment Report prepared by Kingfisher Ecology and dated July 2019;
 - 3. Provision of ecological enhancement features including reptile hibernacula, integrated bat and bird boxes/bricks and native species planting.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

- 18) Prior to occupation of the development hereby approved, a landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the local planning authority. The content of the LEMP will include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

- 19) Prior to occupation of the development a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will:
- a) Identify those areas/features on site that are particularly important for bats;
 - b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity.

- 20) 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.

- 21) No construction activities shall take place other than between 0730 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.

- 22) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 23) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

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

- 24) No development beyond the construction of foundations or any drainage works, shall take place until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately disposed of.

- 25) No development beyond the construction of foundations or any drainage works, shall take place 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 FRA (JNP Group, March 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.

- 26) Prior to the occupation of the 10th dwelling hereby approved, a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

- 27) Prior to the occupation of the 1st dwelling hereby approved details shall 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.

- 28) The development shall include the provision of 10% Intermediate Affordable Housing, provided by a Registered Provider as Shared Ownership. These homes shall only be occupied by those persons who are in housing need and registered with the Help to Buy Agent. Nominations for the shared ownership homes will be received directly from the Help to Buy Agent and will be prioritised and allocated by the Registered

Provider in the exercise of their discretion to those who have a local connection to the Borough of Swale wherever possible. Unless otherwise agreed by Swale Borough Council in writing, the Registered Provider agrees to ensure that these homes remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision in the borough of Swale.

The Affordable Housing shall be provided in accordance with the details set out in the Affordable Housing Plan (Drawing No. CB_11_135_004) hereby approved

Reason: In order potential occupants on a range of incomes to access housing on the site.

- 29) No more than 100 dwellings on the site shall be occupied until the M2 Junction 5 Roads Investment Strategy scheme has been contracted with a nominated contractor and works commenced on site.

Reason: To avoid adding unacceptably to congestion at the existing A249 Trunk Road and M2 Junction 5, to ensure the effective operation of the Strategic Road Network, and to satisfy the reasonable requirements of road safety.

- 30) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the arboricultural impact assessment by Arbor-Eco Consultancy (report number MB190401-01), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof. The installation of tree protection methods shall be undertaken in accordance with the details contained within drawing MB190301-01-01, Rev A – sheet 1 and 2.

Reason: To protect and enhance the appearance and character of the site and Locality.

- 31) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted in the same location and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality.

- 32) Prior to the development hereby approved being occupied details of toddler play equipment, including its specification and location shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall thereafter be installed before the first occupation and shall be maintained to a safe and secure condition in perpetuity.

Reason: To enhance the amenities of the area.

- 33) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- 34) The dwellings hereby approved 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 that dwelling 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.

- 35) The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as Amended) A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development mitigates against climate change impacts, to accord with the principles of Policy DM19 of "Bearing Fruits 2031" The Swale Borough Local Plan, the NPPF (paragraphs 148 and 150), the Swale Borough Council Climate and Ecological Emergency Declaration (June 2019), and the emerging Future Homes Standards 2019.

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.

