

PLANNING COMMITTEE – 6 FEBRUARY 2020**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/506328/OUT		
APPLICATION PROPOSAL Outline Application for the erection of 20 residential dwellings (access being sought, all other matters for future consideration).		
ADDRESS Land Lying To The South Of Dunlin Walk Iwade Kent ME9 8TG		
RECOMMENDATION – Grant subject to conditions and securing a Section 106 legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable with regards to the relevant policies of the development plan; Bearing Fruits (2031), government guidance in the NPPF and all other material planning considerations.		
REASON FOR REFERRAL TO COMMITTEE Iwade Parish Council objected to the proposal		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT BDW Kent AGENT
DECISION DUE DATE 11/03/19	PUBLICITY EXPIRY DATE 08/08/19	

Planning History

14/500739/R3REG - Regulation 3 (KCC) - expansion of Iwade Community primary school from two form entry (2FE) three form entry (3FE), including the erection of a two storey extension to the existing school building, creation of new access via School Lane, provision of parent drop-off and pick up facilities and additional parking spaces together with new hard and soft landscaping

Decision: Approved Decision Date: 28/11/ 2014

SW/00/0340 - Outline application for residential development and future expansion of primary school. Land at North West Sector of, School Lane, West of The Street, Iwade.

Decision: Approved Decision Date: 13/10/2000

SW/01/0375 - Approval of Reserved Matters of SW/00/340 for erection of 130 dwellings together with roads, sewers and all ancillary works.

Decision: Approved Decision Date: 20/09/2001

SW/01/0389 - Approval of Reserved Matters of SW/00/340 for Erection of 140, Two, Three, Four and Five bedroom dwellings, associated roads, parking and sewers.

Decision: Approved Decision Date: 22/10/2001

SW/02/0788 - Erection of 87 dwellings (Approval of Reserved Matters of SW/00/0340)

Decision: Approved Decision Date: 01/10/2002

1. DESCRIPTION OF SITE

- 1.1 The application site is located to the north of the centre of Iwade village. The application site comprises of two parcels of land adjacent to each other, separated by Dunlin Walk. The smaller of the two parcels of land roughly triangular shaped to the east of the main site is unmanaged land comprising untended grass. The site has a general slope from west to east and a maximum height difference of approximately one metre.
- 1.2 The site falls within the built up area boundary of Iwade. The application site forms part of a wider scheme of several hundred homes within Iwade developed predominantly by Ward Homes (now part of Barratt Developments) over a 15 year period. To the south of the application site is Iwade Community Primary School, to the north and west is residential housing and to the east is The Woolpack Pub.
- 1.3 The application site is accessed via Sanderling Way, which is an adopted public carriageway that abuts the application site between properties numbered 4 and 5 Dunlin Walk, which is a shared footway-cycle way. Dunlin Walk runs immediately north of and between the two parcels of land that make up the application site.
- 1.4 The application site is reasonably well served by public transport. There are 3 bus stops near the site all accessible on foot with the closest being approximately 270 meters away on the northern stretch of The Street, accessed via Sanderling Way. There are two railway stations near the proposed development: Swale Halt Station (approximately 1.8km away) and Kemsley Railway Station (approximately 2km away). There are a number of key community services and facilities, as well as The Woolpack Pub and Iwade Community Primary School, there are health care services and a number of local shops.

2. PROPOSAL

- 2.1 Outline planning permission is sought for the erection of 20 residential dwellings with access being sought at this stage, with all other matters reserved for future consideration.
- 2.2 Development of residential dwellings is being proposed on the larger, rectangular parcel of land whilst the smaller irregular parcel of land is being put forward as an ecology mitigation and enhancement area. (The larger rectangular parcel of land is referred to as parcel 1 and the smaller irregular parcel of land is referred to as parcel 2).
- 2.3 The indicative layout shows a mix of 20 two- and three-bedroom houses arranged in a linear layout, with 44 parking spaces, 4 visitor parking spaces and 8 garages for 8 of the houses situated in front of and between the houses. Vehicle access to the site would be from Sanderling Way which would lead to a road running along the length of the row of houses.
- 2.4 In particular, outline application SW/00/0340 should be noted with respect to this planning application proposal. The outline application was for residential development and future expansion of primary school. Land at North West Sector of, School Lane, West of The Street, Iwade. Granted 13/10/2000. As part of the outline planning permission, a parcel of land was designated for the future expansion of Iwade Primary

School which was later transferred to the school and used for the school expansion as part of Kent County Council's application (ref: SW/14/500739) to expand from a two-form entry to a three-form entry, which included the erection of a two storey extension.

- 2.5 The proposed application site was not included within the designated school future expansion land nor has the application site been included within any subsequent reserved matters applications.
- 2.6 It should be noted that parcel 2 of the application site, put forward as an ecology mitigation and enhancement area, is within housing allocation A20.14 'Iwade Village Centre' which is allocated for a minimum of 10 dwellings in the Local Plan.

3. SUMMARY INFORMATION

	Proposed (indicative layout/plans)
Site Area (ha)	Overall: 0.65ha (within same ownership –red & blue site outlines) Parcel 1: 0.55ha Parcel 2: 0.04ha
Approximate Ridge Height (m)	2 storeys, some houses have accommodation in the roof
Approximate Eaves Height (m)	Not known
Approximate Depth (m)	For 2 bedroom houses; 8.5m For 3 bedroom houses; 6m, 8.5m and 10m
Approximate Width (m)	For 2 bedroom houses; 5m, for 3 bedroom houses; 8m, 9m and 9.5m
No. of Storeys	2 (some houses with accommodation in the roof)
Parking Spaces	44 (excluding garage and visitor spaces)
No. of Residential Units	20 (4 x 2 bedroom houses, 10 x 3 bedroom houses and 6 x 4 bedroom houses)
No. of Affordable Units	No affordable units but instead a commuted sum

4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 59-76 (delivering a sufficient supply of homes); 77-79 (rural housing); 98(promoting healthy and safe communities); 102 (transport); 127, 130 and 131 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 5.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Use of planning conditions.
- 5.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014 – 2031); ST3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); A20.14 (New allocations on sites within existing settlements); DM7 (Vehicle parking);

DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM34 (Scheduled monuments and archaeological sites).

6. LOCAL REPRESENTATIONS

6.1 34 letters of objection have been received from 34 properties. The reasons for objection and comments are as follows;

- Policies CP4, DM7, DM14, DM17 and DM28 are not being met by this proposal
- The site is not allocated in the Local Plan
- The housing would be surplus to demand, therefore these dwellings are not required.
- The main junction accessing Sanderling Way (The Street/Sanderling Way/Sheppey Way) - There is not enough room to manoeuvre vehicles to turn left when vehicles are coming from the opposite direction.
- Sanderling Way is not suitable for the main access route for construction and delivery vehicles
- Danger to the safety of parents and children using Dunlin Walk and Sanderling Walk as a walking route to school
- Increased traffic and congestion, including at school times
- Emergency vehicles will not be able to get through increased
- The proposed new road serving the house is not large enough for refuse vehicles
- Insufficient parking
- There is not enough room to keep the path and grass verge and fit a road, another path and a house with a front and back garden that would fit in with the aesthetics of the area, it would be cramped
- Harm to residential amenity – loss of privacy; loss of light; noise and disturbance from development; disruption from construction works
- Increased antisocial behaviour
- Increased pressure facilities in Iwade, e.g. doctors surgeries
- Iwade residents are outgrowing the local services and no additional facilities are planned e.g. doctors surgeries, schools, shops
- Increased risk of flooding due to removal of green space
- Ruining green space used for recreation
- Loss of trees and bushes would diminish the landscape
- Loss of wildlife habitat
- Increase in air pollution from increased traffic
- Reservoirs supplying water to Kent homes are low for sometimes in the year this problem will be exacerbated
- The applicants planning statement at paragraph 1.6.3 is considered inaccurate. The school may expand in the future to meet further demand. The school has been enlarged from 2 form entry to 3 form entry however, no account was taken of enlarging the usable physical education / play facilities, so the school has less outdoor space for the increase in children.
- Area is already over-populated
- The application site would be of better benefit to the community if it was used as a parking area for the school or nursery nearby

- The trees and bushes along the entirety of Dunlin Walk should remain to retain privacy for existing residents
- A Tree Preservation Order should be placed on the trees so they cannot be removed

7. CONSULTATIONS

7.1 Iwade Parish Council – Object for the following reasons;

- Objection. Policy A17: Parcel 1 was not included in Local Plan Policy A17 for housing allocation and as such must have been considered unsuitable for such.

- Surplus of dwellings: Table 4.3.5 identifies that Swale has a surplus of 932-982 dwellings against requirements placed upon the Council which suggests that the proposed dwellings are not required.

- Policy DM14: the proposal is contrary to this policy which seeks to conserve and enhance the natural and / or built environment, ensure development is both well sited and of a scale, design and appearance and detail that is sympathetic and appropriate to the location and seek to achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services together with parking and servicing facilities.

- The site is used regularly by residents of all ages for recreational purposes and the proposal is to construct up to 2.5 storeys high directly abutting a primary school, with the development accessed via roads with limited capacity across a pedestrianised walk. This proposal would fail to provide safe vehicular access. Apart from the issues of the junction of The Street and Sanderling Way, access to the site is unacceptably unsafe. Vehicles exiting the proposed development from the western end run the very real risk of collision with vehicles entering and exiting the parking spaces of residents at houses 1-4. Pedestrians are at greater risk of collision going east to west along Dunlin Walk with vehicles entering the proposed development, particularly as the electricity substation next to No. 5 Dunlin Walk results in a restricted view. Dunlin Walk is the main pedestrian thoroughfare for residents in the northern and north-western part of the village to the village centre. It is currently a safe route for children walking to school or nursery with their parents from the Sanderling Way estate. It is also a safe route for youngsters walking to bus stops to get onward travel to their secondary schools in Sittingbourne. If this proposed development is approved it will mean the unhindered path to the village centre will be broken up by an access road to the new houses. Children and young families will face a less safe route to their destinations with the crossing of a road.

- Policy DM28: the proposal is contrary to this policy, it would lead to loss of habitat for Great Crested Newts.

- Parking: inadequate visitor parking; tandem parking is not efficient and often not used; the existing parking space in Sanderling Way is insufficient and the proposal will exacerbate this; and increased parking in the area will impeded emergency vehicle access.

- Junction of Sanderling Way / The Street: this is a blind corner for those turning right from Sanderling Way onto The Street – many vehicles do not stay on the correct side of the road at this junction and this has resulted in several near misses. The Parish Council

has used this objection in relation to 18/505157/OUT, requesting that the junction is redesigned to improve safety.

- Loss of privacy: The western end of the proposed development will overlook a number of houses on Mallard Close Sanderling Way.

- Potential expansion of Iwade Community Primary School: parcel 1 could be used for expansion of the school in the future.

- Medical facilities: lack of funding for medical facilities and existing services are at capacity.

- Child safe concerns: from children in the adjacent school grounds being overlooked.

7.2 **Environment Agency** – No objection, and they note that the development falls outside their statutory remit.

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 and requested a condition tying the occupation of this development to the delivery of the proposed upgrade. With regard to the A249 Grovehurst junction they requested a condition seeking a scheme of mitigation prior to development and tying the occupation of this development to the delivery of the mitigation scheme at this junction.

However, further to the recent refusal of application 18/503135/OUT (700 dwellings on land at Barton Hill Drive) Highways England have re-allocated the network capacity from that site to other sites, and no Grampian condition is required for this application with regard to the M2 Junction 5. KCC Highways have also secured a suitable scheme of mitigation (as outlined in para 7.10) and therefore the conditions requested by Highways England are superseded. A final written response is awaited and Members will be updated at the meeting.

7.4 **Natural England** – No objection. NE comment that as the application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area and Ramsar Site may result in increased recreational disturbance and they note that Council has appropriate measures (a financial contribution = 20 x £245.56 = £4911.20) in place to manage these potential impacts and are satisfied with this.

7.5 **Southern Water** – No objection. Comment that initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

7.6 **Swale NHS** - No objection. The NHS requires a financial contribution of £17,280 to be earmarked for Iwade Health Centre.

7.7 **Kent County Council Economic Development (Developer Contributions)** –Request the following contributions: Primary Education (£3,340 per house) = £66,480, Secondary Education (£4,115 per house) = £82,300, Libraries (£108.32 per dwelling) = £2,166.40 and provision of high speed fibre optic broadband connection.

7.8 **KCC Drainage** – No objection. KCC Drainage initially objected because of insufficient details within the submitted Drainage Impact Statement relating to drainage discharge

rates. Two subsequent revised drainage impact statements have been submitted, the final surface water drainage strategy addressing KCC Drainage concerns subject to 3 conditions relating to demonstrating that the requirements for surface water drainage can be accommodated within the proposed development layout (the layout required by Condition 2 of this report in the reserved matters application), submission of a surface water drainage scheme and Verification report pertaining to the surface water drainage system.

7.9 KCC Ecology – No objection. Conditions are advised with respect to submission of an Ecological Mitigation and Enhancement Strategy and Management Plan in relation to Great Crested Newts, external lighting in relation to bats as detailed within section 6.3 of the submitted Ecological Assessment, Hedgehog movement through the site and ecological enhancements.

7.10 KCC Highways and Transportation – No objection

Initial comments (19/12/2018) were no objection in principle to the proposed development, although they required further detail: an adoption plan; visibility splays addressed in relation to the western parking adjacent to the proposed access in Sanderling; and Dunlin Walk to remain flush with Sanderling Walk and have priority. KCC Highways (14/02/19) have advised these matters have been addressed following receipt of amended plans, and raise no objection subject to conditions or a S.106 agreement regarding details of a construction management plan; highways works sought via a Section 278/38 agreement; and measures to prevent surface water onto the highway

28/02/2019: KCC Highways outlined a review of traffic modelling and surveys undertaken in respect of recent planning applications and other study work concerning the A249/Grovehurst junction has demonstrated the need for highway improvements to be made to this part of the highway network to support development in this area. This shows that the junction is already operating over capacity, and the Highway Authority would not wish to allow further housing development that would exacerbate the current levels of congestion. As such, it is not considered appropriate that development can be brought forward without the guarantee of highway improvements being provided to cater for the additional traffic generated. KCC Highways set out that the junction was submitted for a major improvement scheme to support the Local Plan scale of development using finance from Central Government's HIF bid process, and advised that the development will have to propose mitigation for the success or otherwise of the HIF bid. The development will therefore have to either;

(i) wait until the HIF bid is decided and if successful, contribute an equitable rate towards the HIF Improvements.

(ii) pre HIF determination, propose a fully costed interim mitigation scheme and contribute an equitable rate towards the Major Highway Junction Improvement Scheme in the event of no HIF funding being awarded.

(iii) wait until the HIF bid is determined and if unsuccessful, provide a proportionate amount of the total costs of the Major Highway Junction Improvement Scheme without HIF funding.

Consequently, KCC Highways maintained a holding objection until one of the above options has been realised.

11/11/2019: KCC Highways advised that a figure of £2,657.00 per dwelling (index-linked) has been agreed for developer contributions towards improvements at the A249/Grovehurst junction for the proposal site, and sites in the surrounding area. As such, KCC Highways remove the holding objection to the application.

- 7.11 **KCC Archaeology** – No objection. Recommends that for any forthcoming consent archaeological measures in this area can be secured through the imposition of a condition relating to the implementation of a programme of archaeological work.
- 7.12 **Kent Police** – No objection. They have advised of a number of security measures which are noted by the Applicant and will be incorporated into the design of the reserved matters application.
- 7.13 **Public Rights of Way** – No objection. Public Footpath ZR91 passes along Dunlin Walk. The PROW Officer has confirmed that there is no objection to the proposed access road crossing the public footpath insofar that any works meet the specification required by KCC Highways and Transportation which would be addressed as part of the detailed design process.
- 7.14 **Swale Footpaths Group** – No objection. Swale Footpaths Group commented that footpath ZR91 is nearby and it appears this path would be unaffected.
- 7.15 **Environmental Protection Team Leader** – No objection. Initial comments recommended refusal until assessments relating to noise, air quality and land contamination have been carried out. The Applicant's response was that from a review of the Local Requirements Checklist it does not appear that a development of up to 20 dwellings outside of an AQMA would meet the threshold for which an air quality and noise impact assessment would be required as part of the planning application. Therefore, revised comments were provided stating that there is no justification for requesting a Preliminary Risk Assessment or Contaminated Land Report to be submitted with the application. The site does not appear to have any previous industrial use on it, and it does not appear that neighbouring developments were subject to a contaminated land condition. Therefore the requirement for any submissions under land contamination. Following discussions with an Environment Health Officer and a review of Mid Kent's Procedure Note, it was decided that a full Air Quality Assessment or a condition for air quality mitigation measures is not deemed reasonable for this size of development as it is not in or near to an Air Quality Management Area. With regard to potential noise and dust, two conditions have been advised for the protection of residential amenity during construction relation to hours of construction and the submission of a Construction Code of Practice.
- 7.16 **SBC Housing Manager** – No objection. In accordance with Policy DM8, affordable housing provision in Iwade is 10%, which equates to 2 dwellings. Due to the low number of affordable housing required and the high tenure split for Affordable Rent Tenure (90%) both of these homes should be provided as Affordable / Social rent tenure. However, recently the Housing Manager has been in talks with housing association partners who are reluctant to purchase affordable housing on site if there are less than approximately 40 affordable units available. For this reason the Housing Manager approached partners to see if they would be interested in acquiring the site for delivery as a 100% affordable

housing. However, the Applicant's Agent was against this due to the affect on the viability of the scheme and wanted to keep to their original offer of a commuted sum. This has been agreed. Since the Council has no methodology for calculating commuted sums the Housing Manager advised that the commuted sum should be based on the amount the housing association partners would normally pay for an affordable unit which is 70% of the open market value. Strategic housing says that the commuted some should be based on values for the 2 and 3 bedroom units.

- 7.17 **SBC Greenspaces Manager** – No objection. Commented that while no specific open space provision is included in the proposed outline development, there are existing facilities and further planned facilities within easy walking distance of the proposal and therefore would not request on-site facilities. Seeks a contribution of £446.00 per dwelling (Open Spaces & Play Strategy 2018-2022) toward enhancing/increasing capacity of the off-site existing play /fitness provision in the village.

8. BACKGROUND PAPERS AND PLANS

- 8.1 Location Plan, Indicative Layout Rev A, Indicative Street Scene, 6960-SK001-Rev P3 Below Ground Drainage Strategy, 6960.D007 Rev P4 Drainage Impact Statement and Design Philosophy, Arboricultural Constraints (October 2018), Arboricultural Impact Assessment (October 2018), Highways Technical Note 2: Access Appraisal, Planning Statement, Design and Access Statement, Ecological Assessment,

9. APPRAISAL

Principle of Development

- 9.1 The site of the proposed residential units does not have any specific allocation in the Local Plan but is located within the built up area boundary of Iwade, where the principle of residential development is acceptable. The site is in an appropriate and sustainable location with good access to local facilities, transport links and schools, where good use should be made of available land. Furthermore, it is also important for Members to note that the Council is currently unable to demonstrate a 5-year housing land supply. As a result of this, it is considered that the benefits of addressing this shortfall, upon a site within an existing built up area boundary should be given additional weight.
- 9.2 The application is in close proximity to Iwade Community Primary School, under application reference 14/500739/R3REG permission was granted for the expansion of Iwade Community primary school from two form entry (2FE) three form entry (3FE). The proposed application site was not included within the designated school future expansion land nor has the application site been included within any subsequent reserved matters applications. KCC Economic Development has also indicated that the school is unable to be expanded further. Therefore, on the basis of the above assessment, it is considered that the principle of residential development is acceptable in this location.

Access, Highways, Parking

- 9.3 As noted above, the application is seeking outline consent, with details of access being sought at this stage. Means of access is being proposed from Sanderling Way between properties numbered 4 to 5 Dunlin Walk, towards the eastern end of the site. Sanderling

Way is an adopted public highway, in light of this, part of the proposed development will be offered for adoption, this is shown on drawing 1810028-02 Rev A.

- 9.4 KCC Highways and Transportation raised no objection in principle to the proposed development subject to further details regarding an adoption plan, visibility splays; and the footpath along Dunlin Walk to remain flush with Sanderling Way Walk and have pedestrian priority (between 4 and 5 Dunlin Walk). These matters have been addressed in drawing 1810028-03 Rev A. The depth of the kerb build-out on the west side of Sanderling Way (next to 4 Dunlin Walk) has been increased by 1.7m and can still accommodate a refuse vehicle turning manoeuvre. The carriageway width is therefore 4.3m rather than 4.1m. The drawing also shows a raised table to demonstrate how the footpath will be level. The adoptable area has also been adjusted to cover only the turning head, which the Applicant has said may be defined by granite setts or similar, to be agreed at the detailed design stage as part of the Section 38 (Highways Act) procedure.
- 9.5 Due to the cul-de-sac design, the proposed vehicular access incorporates a turning head. Swept path analysis has been undertaken and demonstrates that the proposed site access can be adequately serviced by an 11.4-metre long refuse freighter and an 8.7-metre-long fire appliance entering and leaving the site in forward gear. This is shown on drawing 1810028-TK01 Rev C.
- 9.6 KCC Highways advised they raised no objection to the amended information received and requested conditions including a construction management plan; highways works sought via a Section 278/38 agreement; and measures to prevent surface water onto the highway.
- 9.7 The proposed indicative layout provides 48 parking spaces, 4 of which are visitor spaces, plus 8 garage spaces which would be broadly in accordance with the KCC Residential Parking standards. As mentioned above, KCC Highways raise no objection, and appropriate details regarding parking can be secured at the reserved matters stage.
- 9.8 With regard to the impact on the A249/Grovehurst junction, KCC Highways raised a holding objection until a scheme of mitigation could be agreed. As per KCC Highways latest comments a developer contribution (of £2657.00 per dwelling) has been agreed for off-site highways works at this junction for development at sites in Iwade and Sittingbourne (near this junction). As such, no objection is raised regarding the impact on the local highway network subject to the imposition of appropriate conditions and the payment of developer contributions as set out in paragraph 7.10 above. These payments will be secured under the Section 106 agreement that would accompany any planning permission granted for this development.

Highways England initially objected to the development on the grounds that M2 junction 5 did not have sufficient capacity to absorb the predicted traffic flows arising from this scheme (and others). However: the Council recently refused permission for application 18/503135/OUT (700 dwellings on land at Barton Hill Drive), which has enabled HE to “re-allocate” the predicted capacity from that development to other schemes in Sittingbourne and on the Island, including this current application. The predicted peak flow generation from this scheme is 4 vehicle movements, which is well within the remaining capacity, and HE have indicated that this addresses their holding objection and the scheme can come forward without any restriction on dwelling occupations

before the M2 J5 improvements are built out. A final written response is awaited and Members will be updated at the meeting.

Visual Amenity

- 9.9 As set out above, all matters of detail (other than access) 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 20 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.
- 9.10 The site is well contained by existing development within Iwade including residential development to the north and west, Iwade Community Primary School to the south, and The Woolpack Pub to the east of the site and is situated within the built up area of the settlement. As such, the provision of residential development will not have significant impacts on the wider landscape.
- 9.11 The existing residential development in Sanderling Way and recent development in Iwade comprises predominantly 2 and 2.5 storey development. The indicative plans show a mix of two storey dwellings and 2.5 storey dwellings with accommodation in the roof space and it is considered that the proposed indicative height, scale and massing of the proposed development would accord with the existing character of the area. Given the predominant scale of development in the vicinity, which is generally no more than 2-2.5 storeys in height, a condition is included to limit the height of the new development to 2.5 storeys.
- 9.12 The site area is 0.65 hectares, providing a development density of 30 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.

Affordable Housing

- 9.13 Policy DM8 requires 10% of the total number of homes on this site to be delivered as affordable housing. This equates to 2 affordable homes. If 2 homes were to be provided as affordable housing, due to the low number of affordable housing units required and high tenure split for Affordable Rent tenure (90%), then both these homes would be provided as Affordable / Social rent tenure.
- 9.14 However, both the Council's Strategic Housing Manager and the Applicant's Agent have been in discussions with registered providers, who have said that they are unwilling to manage such a small number of units. It has therefore been agreed that the Applicant shall pay a commuted sum towards off-site provision of affordable housing.
- 9.15 The Council has no methodology for calculating a commuted sum in lieu of off-site affordable housing provision. Housing colleagues have advised that this should be based on the amount registered providers are willing to pay for 2 and 3 bedroom affordable houses (which is 70% of their open market value (OMV)) and their OMV. However, the Agent has a methodology for calculating the commuted sum which Housing colleagues find acceptable. This is the method used in calculating the affordable housing commuted sum, which is based on the revenue uplift a developer

would receive from disposing of private dwellings in lieu of affordable dwellings. This is calculated as the difference between the open market value and the price that a Registered Provider would be prepared to pay.

OMV for 2 bedroom terraced houses and 3 bedroom detached houses –

Bairstow Eves Estate Agents (Sittingbourne) values:

2 bedroom terraced house at 230,000 to 250,000, average value = 240,000

3 bedroom detached house at 375,000 to 425,000, average value = 400,000

70% of £240,000 = £168,000, 30% of £240,000 = £72,000

70% of £400,000 = £280,000, 30% of £400,000 = £120,000

30% of the OMV of a 2 bedroom terraced house £240,000 = £72,000

30% of the OMV of a 3 bedroom terraced house £400,000 = £120,000

Commuted sum = £192,000 (72,000 + 120,000)

Residential Amenity

- 9.16 DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or area. The detailed scheme for the new dwellings would be secured at the reserved matters stage and this will include the design, form and scale of the dwellings including details such as window/door placement and details of boundary treatments.
- 9.17 Whilst layout and design are matters for future consideration, the application shows an illustrative layout which maintains sufficient spacing between proposed dwellings and existing neighbouring properties. It is considered that the site can accommodate 20 dwellings without resulting in a significantly harmful impact upon existing neighbouring dwellings in terms of residential amenity. It should be noted that the separation distances between the proposed houses and those in Sanderling Way and to the west of the application site range between 15m to 20m which are considered to be sufficient distances to mitigate loss of light, outlook and privacy.
- 9.18 With regard to future residential amenity, the indicative plans show that the rear garden areas range between 55sqm to 108sqm and some are short of the 10m standard for rear gardens, however it is considered there will be sufficient external amenity space to serve future occupants.
- 9.19 Taking the above into account, it is considered that the development could be designed to avoid unacceptable impacts on neighbours, and comply with the above policies.

Ecology

- 9.20 Paragraph 174 of the NPPF 2018 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It also advises that opportunities to incorporate biodiversity in and around developments should be encouraged. The application has been supported by an Ecological Assessment.

- 9.21 The assessment sets out that there are 2 ponds within 100m from the site boundary, located within the school grounds. A survey conducted by Indigo in 2014 found a medium population of Great Crested Newts present. It may be assumed that the site provides part of a route of connectivity between the 2 ponds within the school grounds and ponds to the north and east of Iwade Village. As a result, the proposed development may result in the loss of terrestrial habitat. To mitigate against the loss of terrestrial habitat, the southern boundary of parcel 1 (for residential development) is proposed to be enhanced to be suitable for GCN commuting. This involves the introduction of a raised bank in the rear gardens of the proposed dwellings planted with native species hedging. In addition to this, part of parcel 2 will be enhanced for the benefit of Great Crested Newts as set out in the submitted ecology report.
- 9.22 As set out in the consultation response KCC Ecology are satisfied the appropriate level of ecological survey work has been undertaken. KCC Ecology are satisfied with the outlined mitigation measures, and recommend conditions to secure the details of an Ecological Mitigation and Enhancement Strategy and Management Plan in relation to Great Crested Newts; external lighting in relation to bats as detailed within section 6.3 of the submitted Ecological Assessment; Hedgehog movement through the site; and ecological enhancements. As such, KCC Ecology raise no objection to the proposed development subject to requested conditions ecological enhancements which are included in conditions (nos. 14, 15, 16 and 17).

9.23 **Drainage / Flood Risk**

- 9.24 Kent County Council Drainage initially objected to the scheme because of insufficient details within the submitted Drainage Impact Statement relating to drainage discharge rates. Two subsequent revised drainage impact statements have been submitted, and following receipt of the further information KCC Drainage outlined they raised no objection to the outline application subject to further details sought via condition. These conditions include the provision of a finalised layout to ensure the requirements for surface water drainage can be accommodated within the development site; submission of a surface water drainage scheme; and verification report pertaining to the surface water drainage system. Therefore it is considered the proposed development would comply with policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and paragraph 165 of the NPPF.

Archaeology

- 9.25 Iwade is generally archaeologically sensitive with remains of prehistoric, Roman, Saxon and medieval date having been found during development works in and surrounding the village. With respect to the main site area this was covered by archaeological evaluation as part of the Iwade VI development and no archaeological remains were identified. The smaller site has not been evaluated in the past and lies closer to the church and the significant Iwade III development that found a focus of medieval activity is in this area. KCC Archaeology have advised a condition relating to the implementation of a programme of archaeological work and this is included at condition (12).

Landscaping / Trees / Greenspaces

- 9.26 Landscaping is a reserved matter. An Arboricultural Impact Assessment and Arboricultural Constraints Report has been carried out on the application site to assess the quality and value of trees and other significant vegetation, the impact of the

development and measures to mitigate against any negative impacts resulting from the development. Within the existing application sites there is low quality of tree stock as described within the submitted arboricultural impact assessment by The Urban Forest Consultancy. As such and in consultation with the Council's Tree Consultant, there are no arboricultural reasons to refuse the outline consent. The Tree Consultant has advised that with any future detailed application, the Council would expect suitable conditions attached for landscaping together with the submission of an arboricultural method statement.

- 9.27 The amount of development, 20 residential units, is normally the threshold for triggering the provision of open space. While no specific open space provision is included in the proposed outline development there are existing facilities and further planned facilities within easy walking distance of the proposal. These include open space, play facilities, sports pitches and allotments and as such it is difficult to justify any requirement to supply what would be in scale, a relatively small additional open space. However, a contribution of £446 per dwelling (Open Spaces & Play Strategy 2018-2022) is sought towards enhancing / increasing capacity of the off-site existing play / fitness provision in the village.

S106 and Developer Contributions

- 9.28 The following developer contributions are required:

Primary Education - £66,480 (£3,324 x 20 dwellings)

Secondary Education - £82,300 (£4,115 x 20 dwellings)

Libraries - £2,166.40 (£108.32 x 20 dwellings)

Swale CCG (NHS) - £17,280

SPA Mitigation (SAMMS) - £4911.20 (£245.56 x 20 dwellings)

Wheelie bins - £2,066 (£103.30 x 20 dwellings)

Greenspaces - £8,920 (£446 per dwelling)

Commuted sum towards affordable housing provision - £192,000

Off site highways works (A249/Grovehurst junction) - £53,140 (£2,657.00 per dwelling)

Provision of high speed fibre option broadband connection and an appropriate Administration / Monitoring fee - £21,463.18

Total: £429,263.60 (without admin fee); £450,726.48

- 9.29 The applicant has agreed to pay these contributions and it is considered that they meet the relevant tests for planning obligations. Furthermore, despite local concern regarding a lack of local infrastructure, no objections have been received from the relevant consultees on this basis.

- 9.30 It is also considered that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £245.56 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'

Sustainable Design and Construction

- 9.31 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. Conditions have been incorporated to this outline application (nos. 21, 22 and 23) to ensure that the final development incorporates sustainable 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.

The Conservation of Habitats and Species Regulations 2017

- 9.32 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.
- 9.33 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.
- 9.34 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.
- 9.35 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (20 dwellings within the built up area boundary 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. Subject to Natural England confirming that the existing approach by the Council securing appropriate mitigation, via the SAMMS payment is suitable, then this will prevent harmful effects on the protected sites and members will be updated at committee regarding this.

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.

- 9.36 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/>).

10. CONCLUSION

- 10.1 The application site is suitable for development and located within the built up area of Iwade, with good connectivity to local schools and shops, and the wider bus, road and rail network. KCC Highways have indicated that the scheme will have negligible impact on the highway network subject to the financial contribution sought towards off-site highway works at the A249/Grovehurst Junction. Whilst this is an application in outline only, an indicative layout and street scene has been prepared to demonstrate how the site can accommodate a sympathetically designed scheme that reflects the design characteristics of the local area and broadly complies with policy with regard to housing mix and affordable housing. 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.

11. RECOMMENDATION

- 11.1 GRANT Subject to the following conditions and the signing of a suitably-worded Section 106 Agreement to secure the contributions as set out in Paragraphs 9.28 to 9.30 above):

CONDITIONS to include

1. Details relating to the landscaping, layout, scale and appearance of the proposed dwelling(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 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. No demolition, construction or ground works shall take place until an Arboricultural Method Statement in accordance with the current edition of BS: 5837 has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: This information is required prior to the commencement of demolition, construction or ground works in order to protect existing trees.

6. The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the southern and eastern boundaries of the site and an implementation programme. 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. No development shall take place until the details required by condition (1) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

9. 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 principles contained within the Drainage Impact Statement and Design Philosophy (Reference 6960-D007, Revision P4) 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.

10. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable 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 (July 2018).

11. Construction of the development shall not commence until details of the proposed means of foul 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.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

13. The details submitted pursuant to condition (1) above shall include details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

14. No development shall take place until an Ecological Mitigation and Enhancement Strategy and Management Plan (EMES &MP) has been submitted to and approved in writing by the local planning authority.

The EMES & MP 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) Details of initial aftercare and long-term maintenance.
- h) Details for monitoring and remedial measures.

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

Reason: In the interest of protecting ecology.

15. All external lighting shall be designed and installed in accordance with the details within section 6.3 of the Ecological Assessment (Bakerwell Ltd November 2018), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: In the interests of protecting the local bat population.

16. To allow the movement of Hedgehogs through the development area, all ecological measures and/or works shall be carried out in accordance with the details within section 6.4 of the Ecological Assessment (Bakerwell Ltd. November 2018), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Prior to the completion of the development hereby approved, details (including locations and specifications in accordance with section 6.4 of the Ecological Assessment dated November 2018) of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of the local hedgehog population.

17. Prior to the commencement of any above ground works, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes and the provision of native planting where possible, and incorporation of recommendations as detailed in section 7 of the Ecological Assessment (Bakerwell Ltd November 2018).

The approved details will be implemented and thereafter retained. The provision and installation of enhancements should take place within 6 months of the commencement of works, where appropriate.

Reason: To enhance biodiversity

18. Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approved 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:

- Measures to minimise the production of dust on the site
- 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)
- Design and provision of site hoardings
- The location and design of site office(s) and storage compounds

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

19. No other development shall take place until completion of the access in accordance with the details hereby approved, and the applicant has secured a Section 278 (or Section 38) agreement with the Highway Authority for Highway Works associated with the connection to the adopted Highway. All proposed highway works as shown in Drawing 1810028-03 Rev A will need to be delivered by the applicant via a Section 278/38 agreement with this authority prior to the use of the site commencing.

Reason: in the interests of highway safety.

20. No development shall take place, including any works of demolition, until a Construction Method Statement 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:

- a) 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 and HGV movements (it should be noted that these are likely to be restricted to outside school drop-off/pick-up times)
- d) Provision of wheel washing facilities
- e) Provision of measures to prevent the discharge of surface water onto the highway.
- f) Temporary traffic management / signage, and the location of temporary vehicle access points to the site

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

21. 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.

22. 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.

23. 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.

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

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

25. The details submitted pursuant to condition (1) above shall show dwellings extending to no more than 2.5 storeys in height.

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

26. 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 0800 - 1800 hours, Saturdays 0800 - 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.

27. 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.

28. No development beyond the construction of foundations shall take place until details for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The agreed details shall be laid out at the same time as other services during the construction process.

Reason: To secure high quality communications infrastructure.

INFORMATIVES

Highways

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.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Public Rights of Way

Public footpath ZR91 passes over the proposed vehicular access to the site. Please note that no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority. Furthermore, there must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.

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.

