

<b>2.4 REFERENCE NO - 16/507689/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline Application (with all matters reserved other than access into the site) for mixed use development including up to 300 dwellings; employment area (Use Classes B1(a), B1(b) and B1(c) (offices, research and development, and light industrial) (up to 26,840sqm); sports ground (including pavilion/changing rooms); open space (including allotments and community orchard); access, including new link road and roundabout on A2; other vehicular/pedestrian / cycle accesses (including alterations to Frogнал Lane); reserve site for health centre; and associated parking and servicing areas, landscaping, wildlife areas, swales and other drainage / surface water storage areas, and related development		
<b>ADDRESS</b> Land Between Frogнал Lane And Orchard View Lower Road Teynham Kent ME9 9TU		
<b>RECOMMENDATION</b> – Grant SUBJECT TO amendments to draft Section 106 Agreement and conditions set out below.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Developer request to amend the affordable housing contribution and the inclusion of a review mechanism in case viability improves.		
<b>WARD</b> Teynham Lynsted	And	<b>PARISH/TOWN COUNCIL</b> Teynham
		<b>APPLICANT</b> The Trenport Teynham Partnership <b>AGENT</b> Vincent And Gorbing
<b>DECISION DUE DATE</b> 31/11/20		<b>PUBLICITY EXPIRY DATE</b> 06/06/17

## 1. INTRODUCTION

- 1.1 This report deals with an application which the Planning Committee resolved to approve in June 2017 (see Appendix 1 for original report), but where the applicant now seeks the Council's agreement to reduce the affordable housing contribution from 40%, as submitted with the application and agreed by the Committee, to 18.33% based on detailed viability evidence and the inherent flexibility built into the Local Plan by the Local Plan Inspector. The applicant's viability evidence has been rigorously checked by an independent specialist chosen by the Council and paid for by the applicant.

## 2. DESCRIPTION OF SITE

- 2.1 The application site is in two parts. The majority of the site (where development is concentrated) lies to the east of Frogнал Lane (21.26 hectares) and lies within the Local Plan defined built up area boundary of Teynham; whilst the access road to the site lies to the west of Frogнал Lane (8.59 hectares) which is located just outside, but adjoining, the built-up area boundary. The land to the east of Frogнал Lane adjoins the rear gardens of residential properties and is used as an agricultural field and sports ground, whilst land to the west of Frogнал Lane is an open, agricultural field.

## 3. PROPOSAL

- 3.1 This application was reported to the Planning Committee on 22 June 2017 (item 2.11) when it was described as follows; **please particularly note last paragraph below:**

*Outline planning permission is sought for residential development with all matters (namely appearance, landscaping, layout and scale) reserved for future consideration except access, which is to be assessed as part of this application. All other reserved matters are to be considered only in terms of the principle of the development at this stage and not in detail. The layout drawings submitted with the application are therefore only intended to illustrate how the development would be accommodated within the site and proposes, as set out above, up to 300 dwellings, up to 26,840 square metres of employment space (for B1 uses only), and ancillary space for – among other things – various forms of open space and provision of pavilion / changing room building.*

*For the avoidance of doubt, the application seeks to establish the principle of the mix and amounts of the uses proposed and to agree the access arrangements for the development.*

*One of the submitted drawings (namely the layout plan drawing no. 4300 305 Rev A) – which is indicative only – showing up to 300 dwellings, employment areas of 26,840 square metres of floor-space, a new sports field with a pavilion and changing room facilities, and car parking space, a health centre and, green spaces including community orchards and allotments.*

*The indicative details suggest – with respect to the residential development - that the development could comprise a mix of link detached, semi-detached, and terraced, two-storey dwellings with detached and attached single and double garages spread across the site. Site density would be approximately 40 dwellings per hectare. Car parking would be provided within the residential curtilage of individual dwelling, and also as communal parking areas in close proximity to dwellings.*

*The employment area would, as noted above, be limited to B1 floorspace (a, b and c), namely offices, research and development and light industrial with an element of startup businesses. For the avoidance of doubt, no general industrial (Class B2) or storage and distribution (Class B8) space is proposed. The existing playing fields would be replaced with improved sports ground (at least three hectares of sports pitches) including a new pavilion and changing room. The sports field would be located in between the residential development (to the south) and the employment area (to the north). To the west of Frognal Lane, there would be at least six hectares of open space (including allotments, community orchard, grass land, an informal open space and areas of wetland).*

*The site layout indicates vehicular, pedestrian and cycle access including alterations to Frognal Lane and a new emergency vehicular access to the development and highway improvements including a new roundabout on the A2 and closure of a section of Frognal Lane. In addition, the development would include land for the possible provision of a new health facility (which is to be located to the west of Frognal Lane, opposite Frognal Close) The submitted indicative layout shows soft landscaping throughout the boundaries of the site, and a landscaping buffer on the northern part of the site that is 60 -70m deep. Wildlife zones, biodiversity enhancements and surface water storage areas are also proposed within the scheme, together with associated parking and servicing areas.*

*The new roundabout – to measure 24 metres in diameter - is proposed to the west of Frogmal Lane, and would incorporate re-alignment of the northern part of Claxfield Road. The A2 would be re-aligned for a total of 55 metres. Frogmal Lane would be closed approximately 25m north of the junction with Frogmal Close. There would be an emergency access that links Frogmal Lane to the new housing development. The new roundabout and vehicular access will be connected right up to the employment areas to be located on the northern part of the.*

*The applicants are also committed to making highway improvements to mitigate the impact of the traffic generated by the development to acceptable levels. These improvements include Frogmal Lane/Lover Road junction; A2 London Road Environmental Improvement Scheme (further to Section 7.9 of the Transport Assessment), including provision of a lay-by in front of the co-op; Swanstree Avenue with the A2 (upgraded to increase capacity) and Murston Road / Rectory Road junctions, and provision of a pedestrian link along the alignment of public footpath ZR256, together with improvements to the Public Right of Way.*

*The indicative layout (drawing no. 4300 305 Rev A) shows the dwellings arranged over an irregular street pattern of meandering roads and dead ends. Pedestrian footpath links are shown within the development together with footpaths linking the development to adjoining established residential areas.*

*Two pockets of communal public open spaces are proposed within the development. Buffer soft landscaping is proposed around the boundary of the application site to enclose the development, and, a planting buffer is proposed between the proposed residential development and the sports field and between the sports field and the employment area. There is also a landscaping buffer on the northern part of the site (adjoining Frogmal Lane and the Lower Road) that is 60 to 70m deep. Wildlife zones, biodiversity enhancements and surface water storage areas are proposed within the development and associated parking and servicing areas are proposed.*

*In addition to the provision of communal open spaces on-site, as outlined above, the applicant intends to provide a financial contribution to off-site formal sports contribution towards the improvement in capacity of local formal sports provision.*

***The applicants are committed to providing 40% affordable housing as required by Policy DM8 of the Emerging Local Plan Policy: Bearing Fruits 2031.***

3.2 The report dealt with the proposed housing numbers as follows:

*The site is allocated as a mixed use development site for housing and B class employment use under Policy MU3 of the Emerging Swale Local Plan, Bearing Fruits 2031 (Main Modifications June 2016). As noted above, the Policy requires the site to provide approximately 260 dwellings including a mix of affordable units in accordance with Policy DM8 of the Emerging Bearing Fruits 2031, together with 26,840 square metres of 'B' use class employment. Members will be considering this application on 22nd June 2017 when we would have received the Inspector's report on the emerging Local Plan. As Bearing Fruits 2031 is soon to be adopted, its policies, including MU1, can be afforded significant weight in the decision making process.*

*However, the application proposes the construction of up to 300 units and 40% (120 units) of these would be affordable units, together with 26,840 square metres of B1 use class employment, which as noted above is office, research and development and light industrial uses. Given that the proposed 300 houses would be on land that is 7.5 hectares of land, such a development would be at a density of 40 dwellings per hectare and is considered to be an appropriate density in this location, making efficient use of land. Members will also appreciate that as details other than access are reserved, there will be an opportunity to control the quality of the final development at the point when the reserved matters applications are submitted.*

3.3 The Major Projects Officer tabled an update at the meeting (see Appendix 2 for copy of tabled update) relating to details of Section 106 contributions and planning conditions. The conclusion of the tabled update was a request for delegated authority to approve the application subject to the signing of a suitably-worded Section 106 Agreement and to conditions as set out in the report and with additions and amendments as described in the update. Authority was also sought to make such amendments to the S106 Agreement and the wording of conditions as may reasonably be required following consultation with the applicant.

3.4 The resolution of that meeting was:

***Resolved: That application 16/507689/OUT be delegated to officers to approve subject to conditions (1) to (46) in the report, with additions and amendments as set out on the tabled paper, the signing of a suitably worded Section 106 Agreement, with any such amendments to the Agreement and the wording of conditions as may reasonably be required following consultation with the applicant.***

3.5 This decision was essentially to approve a scheme that was entirely compliant with what is now policy MU4 of the adopted Local Plan, including the provision of 40% affordable housing. There followed several months of negotiation over finalising the Section 106 Agreement, and agreement over a final set of planning conditions (see below, with updates). By late 2018 the Agreement was ready for signature but at that point the applicant approached the Council to say that they had been evaluating the cost of developing the site and found that it was not viable with 40% affordable housing. In fact, the applicant suggested that initial figures showed that the viability issue meant that only 10% affordable housing could be provided.

3.6 My reaction was that the scheme was only approved by the Committee on the basis of 40% affordable housing, and that if the applicant wished to make a case for a reduced provision they would have to provide a viability appraisal which the Council would seek to have reviewed by a specialist of our choosing, but at the applicant's expense. They might also examine alternative development scenarios which achieved the same quantum of affordable housing for the Council to consider. This was agreed, and in late February 2019 the applicant sent through a Financial Appraisal of the scheme. The Appraisal examined possible ways to amend the scheme (mainly by potentially increasing the number of houses at the expense of some or all of the commercial development).

- 3.7 The main conclusion of the Appraisal was that the 300 house mixed use scheme as submitted was only (just) viable with the amount of affordable housing reduced to 10%, and that housing number would have to rise to 550 to achieve the original quantum of affordable homes (120). At 10% affordable housing provision the Appraisal suggested that the returns on investment would still be *“significantly less than would normally incentivise the land owners to release the site for development”*. Moreover, later figures suggested that the viability indicated that the residual land value was even further below the level required to bring the land forward for development. In other words, the scheme would not be built even if it were to be approved if 40% affordable housing was required.
- 3.8 Ultimately, after discussions involving leading Members, options for amending the overall basis of the development to all housing and no employment were not thought to be the best way to develop this site, and attention has since focussed on critically reviewing the applicant's costings and viability analysis. It was, however, immediately apparent that our specialist consultant agreed that the 40% affordable housing figure on the application scheme would not provide for a level of profit in line with national planning guidance.
- 3.9 After much discussion, review and negotiation the applicant has now confirmed that;
- *Trenport wishes to revise the planning application to provide 18.33% on-site affordable housing (rather than 40% which was originally proposed)*
  - *This percentage accords with the conclusions reached by the Council's Independent consultant Pathfinder*
  - *Trenport also confirms that it agrees that the S106 off-site developer contributions, as set out in the August 2018 engrossment, shall be indexed from the date at which they were agreed with Kent CC in 2017, and also that the additional planning conditions are to be incorporated.*

It is therefore on the above basis that the application now stands to be determined. In other words, the application is still for the same mixed nature of development as approved by the Planning Committee in June 2017, with the same range of conditions, but updated to reflect the climate change condition imposed on the Barton Hill Drive outline permission appeal decision; plus additional conditions regarding water saving and electric vehicle charging points; and updating the already agreed financial contributions on the Section 106 Agreement with indexation since 2017; but with a reduced level of affordable housing at 18.33% (55 homes) as opposed to the 40% originally approved by Committee (120 homes).

- 3.10 The applicant's latest letter explaining their position can be found at Appendix 3 to this item.

#### **4. POLICY AND CONSIDERATIONS**

- 4.1 A full analysis of Local Plan policies for this site is set out in the original Committee report at Appendix 1 to this item, albeit the Local Plan was adopted very shortly after that report was drafted. Nevertheless, this site was, and remains, a significant plank of the Council's housing strategy and is an allocated mixed use site.

- 4.2 The key policy that is relevant to this proposal is policy MU4 of the adopted Local Plan which states (**with my boldening**):

*Policy MU 4*

*Land at Frogmal Lane, Teynham*

*Planning permission will be granted for mixed uses comprising approximately 260 dwellings, 26,840sq m of 'B' use class employment, open space and landscaping on land at Frogmal Lane, Teynham, as shown on the Proposals Map. Development proposals will:*

- 1. Provide an integrated landscape strategy that will achieve a net gain in biodiversity and natural/semi-natural greenspace, integrate the development and its access road within the wider landscape and create a strong landscape structure to incorporate existing vegetation and create new planting and habitats;*
- 2. Prepare a heritage assessment and, if necessary, provide for adequate mitigation measures to be put in place;*
- 3. Provide open space and sports facilities to meet the needs of both the existing and new residents, with no net loss in existing provision;*
- 4. Secure pedestrian and cycle links between the existing community, the proposed development area and the services and facilities within Teynham;*
- 5. Avoid increased use of the Lower Road and junction of the A2 and Frogmal Lane by bringing forward, as appropriate, traffic management measures within Frogmal Lane and on the A2 within the village;*
- 6. Bring forward such transport improvements and other mitigation as required by a Transport Assessment;*
- 7. Achieve a mix of housing in accordance with Policy CP 3 and any village/parish housing needs assessment, including provision for affordable housing in accordance with Policy DM 8;***
- 8. Locate and provide employment uses appropriate to the amenity of existing residents;*
- 9. Ensure waste water connections at points that are adequate in their capacity;*
- 10. Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP 7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 11. Achieve improvements to education, library and health facilities at the village;*
- 12. Address air quality impacts arising in the Teynham AQMA, including the implementation of innovative mitigation measures; and*
- 13. Provide infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, in particular for health and primary school provision.*

- 4.3 It is also important to know that the target for affordable housing on larger housing sites at Teynham as set out in policy DM8 is 40%, because Teynham is seen to be in the rural area outside the areas of Sheppey, Sittingbourne and Faversham where lower targets are required. However, the notion of achieving the 40% target at Teynham, so close to Sittingbourne (with its 10% target), was challenged at the Local Plan EIP, with the Local Plan Inspector commenting as follows (**with my boldening**):

*“It has been argued that Teynham should be classified as part of the rural areas as current sales prices do not fall into the higher property value bracket and it is suggested that it should be aligned with Sittingbourne, where only 10% affordable housing is sought. I have considered the evidence in support of this view. However Policy DM8 sets out a strategic methodology for securing affordable housing and it is based on robust high level viability evidence. House prices and therefore viability may change in specific locations within the broad areas set out in DM8, but this is not a justification for an immediate review of the Policy or alteration of the areas as defined. The policy continues to set out a sound and justified framework for seeking affordable housing, **whilst allowing sufficient flexibility for site specific viability evidence to be considered as part of the planning application process.**”*

- 4.4 The NPPF states (at paragraphs 56 and 57) that:

*56. Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

*57. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

## **5. BACKGROUND PAPERS AND PLANS**

- 5.1 Application papers and correspondence relating to planning application reference 16/507689/OUT.

## **6. APPRAISAL**

- 6.1 When the applicant first approached the Council about the current affordable housing viability issue they submitted a Financial Appraisal Supporting Statement that concluded that based on the application scheme (with 300 houses as part of a Local

Plan compliant mixed development) the level of affordable housing possible as just 10% (30 houses) and that, even at that level, the site remained ‘a marginal and challenging proposition with a residual land value...of significantly less than would normally incentivise the land owner to release the site for development’. Later figures have suggested an even lower affordable housing figure of around 8%.

6.2 I sought independent expert review of the applicant’s scheme at the applicant’s expense. This took into account the approaches taken by Planning Inspectors on relevant appeals, and quickly agreed that the 40% affordable housing figure would result in a residual land value substantially below a marginally economically viable land value as required by the NPPF. Figures for affordable housing of between 22% and 15.7% were then discussed, but based on an accurate appreciation of the likely tenure split of the affordable housing, as set out in the latest version of the Section 106 Agreement (that is 40% Affordable Rent and 60% Intermediate Housing, as confirmed in the applicant’s letter in Appendix 3), the best available conclusion is that 18.33% (55 homes) is the best that can be achieved through the Section 106 Agreement. The applicant has now accepted this independent conclusion, and agrees to indexation of all other financial contributions from the dates originally envisaged, as well as to amendments to conditions as set out below which relate to carbon savings, water efficiency and provision of EV charging points.

6.3 The applicant has also been liaising with Housing Associations to explore how additional affordable housing can be provided on site via separate funding routes. In connection with this, their latest comments are as follows:

*‘The applicant liaised with Rebecca Walker (Strategic Housing and Health Manager) in July 2019 and subsequently contacted several Registered Providers who operate in the borough.*

*It has been established that both Optivo and Hyde have access to Homes England grant moneys that could be utilised to increase the proportion of affordable housing that is provided and several meetings have been held to determine if a joint venture and/or land disposal would enable this to be achieved albeit detailed discussions have been stalled pending the agreement of Members that policy compliant provision could not viably be achieved.*

*The discussions to date have concluded an injection of government grant subsidy to a Housing Association converting consented Market Value units to affordable units could increase the level of affordable housing provision to 40%.*

*In that regard the applicant has continued to hold detailed discussions with Hyde and, following a meeting with the Head of Service for Planning in March 2020, Hyde have worked closely with Pathfinder (the consultant appointed by Swale BC to advise on viability matters) and it is that process which has concluded the proposed development cannot viably support more than 18.33% affordable housing. The applicant’s consultants remain of the view that the correct figure for affordable housing should be 10% but the ability of the Housing Associations to draw a grant if the planning consent is now issued will make the scheme viable for a Housing Association to build.’*

6.4 Bearing in mind the Local Plan Inspector’s comments regarding the inherent flexibility that the planning application process brings to the Local Plan allocation/policy, and as



the applicant's figures have been assessed in detail by the Council's own chosen specialist advisor, I have reluctantly had to conclude that the scheme as presented in good faith to the Planning Committee in June 2017 is not one that can be said to be financially viable according to current parameters. The NPPF makes it clear that whilst it is up to applicant to justify their viability arguments, planning obligations must fairly and reasonably relate to the development.

- 6.5 Here the applicant's evidence has been subject to rigorous examination, which has suggested an affordable housing figure substantially above that which they have stated is above a level that makes the scheme viable. Nevertheless, they have agreed to that level (18.33%), and they are exploring options for bringing forward additional affordable housing with Housing Associations who have access to separate funding streams.
- 6.6 The final point I would also make here is that the inherent flexibility that the Local Plan Inspector has pointed out should work both ways; not only allowing a reduction in affordable housing provision if viability weakens, but also allowing for an increase if that same viability should improve. To that end, it is now normal where a reduced viability appraisal shows that current market conditions etc indicate a viability problem and a reduced developer contribution is accepted on today's figures, that a review mechanism is built into acceptance of that reduced contribution in case viability improves and an increased contribution becomes possible. In this case, a substantial reduction in affordable housing provision is clearly necessary at this point in time, but I consider that it is important that if Members are to accept this figure, it is on the clear basis that the Section 106 Agreement will include a requirement for a viability re-appraisal at an agreed trigger, say on or before the occupation of 200 dwellings, such that if, at that stage, it is shown that the profit would be above 20%, the 'surplus' funds be paid to the Council to spend on providing off-site affordable housing.
- 6.7 Whilst I consider that it is important that the review is built in, the applicant has initially rejected this suggestion in the following terms:

*'As you're aware my client is keen that this matter is concluded as it is some 4 years since the application was submitted so it is very disappointing that at this late stage such a fundamental issue regarding viability has been raised when – in an attempt to break the stalemate – Trenport have agreed to accept the conclusion of your consultants latest appraisal.*

*In that regard we must emphasise that it is a matter of submission that both Pioneer, on behalf of Trenport, and Pathfinder, on behalf of the Council, agree that it is not viable for a development to viably support 40% affordable housing provision on this site. However, there is a significant gap between the levels of viability they have respectively concluded and it was only after the intervention of an independent Registered Provider that your consultant re-considered his analysis. The 18.3% level of provision that Trenport have agreed to concede was therefore generated without their involvement and, as further indexation and additional planning conditions have been introduced without accepting the implicit cost impact, it is not known what level of profit might be achieved.*

*Furthermore, whilst the imposition of S106 obligations is an acknowledged mechanism to capture land value for community investment purposes, your email specifically refers to capturing development "profit" or "profitability" which is a matter entirely beyond the locus of a local planning authority and such a move to*

*pre-empt the usual requirements imposed by HMRC should be regarded as ultra vires. In that respect we also note that the proposal is not a matter of policy, nor an issue which was ever considered during the adoption of your local plan policies, and it consequently does not accord with the explicit requirement established in the current NPPG which we have set out below:-*

***“How should viability be reviewed during the lifetime of a project?”***

*Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies. Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.*

*See related policy: National Planning Policy Framework paragraph 57*

*Paragraph: 009 Reference ID: 10-009-20190509*

*Revision date: 09 05 2019”*

*(emphasis added)*

*Therefore, a review mechanism would only be appropriate if it was a matter of adopted policy and it utilised Pioneer’s original conclusion as the base starting point for any methodology which had been properly established via the normal plan making process.*

*Trenport will not agree to introducing further changes to the S106, which you will recall has already been agreed after lengthy negotiations. The offer to settle on your consultant’s figure for the percentage of affordable housing and simply change the stated percentage in the s106 to 18.3%, which we still disagree with, is to conclude the matter now, and the s106 document this year, based on your figures.*

*If Swale BC will not now conclude, based on your consultant’s figure, then our client’s offer to concede this point will not be repeated and they will pursue what they believe is the correct figure of 10% or lower..’*

I anticipate further discussion with the applicant on this matter between now and the meeting and will update Members on the applicant’s latest position at the meeting.

## **7. CONCLUSION**

- 7.1 Whilst I have presented the entire original report as Appendix 1 to this item, and recommended a full set of planning conditions below, this is really only because of the

length of time that this matter has been outstanding since the previous decision and because of the fact that there are many new Members on the Committee since that time. However, I do believe that it is not appropriate to try to re-determine the application now across all of its merits – largely because the Local Plan and other policy issues have not changed in the meantime, nor has the scheme itself. I therefore ask Members to simply focus on the affordable housing and viability issue, which I advise have been rigorously scrutinised and leave the Council with no reasonable option other than to accept the expert evidence and to agree a far higher figure than the applicant first came to us, albeit one that is still substantially lower than the figure seen by the Committee in June 2017 and which the Local Plan suggested. It must be remembered that approval of the Local Plan was subject to a caveat specific to Teynham where the current application site lies.

- 7.2 This site remains a major part of the Local Plan housing strategy and the application is, in all other respects, compliant with the Local Plan; with all other developer contributions negotiated, agreed and to be indexed since the original agreement was finalised.
8. **RECOMMENDATION** - GRANT Subject to completion of an amended version of the Section 106 Agreement for the acceptance of 18.33% affordable housing and the inclusion of a review mechanism in case viability improves, indexation of all other financial contributions from their originally agreed dates, and the following conditions:

#### **CONDITIONS**

The following conditions were finalised after the June 2017 Planning Committee resolution, except where I have suggested the deletion of condition 15 (~~shown like this~~) and the addition of conditions (41), (42) and (43) in view of the more recent Council approach to conditions on such schemes. Condition (41) being based on the Barton Hill Drive appeal decision condition for an outline application. The applicant has confirmed their acceptance of these changes, but the schedule will require re-numbering from condition 15 down.

Finally, condition (38) originally referred to the employment development being restricted to Class B1 (Business) uses as then set out in the Use Classes Order. This Class has now been deleted from the Order from 1<sup>st</sup> September 2020 and such uses now fall within Class E of the amended Order, which also now includes retail, medical and some community uses. These were not part of the original intentions of this development, and so I have recommended an amendment to this condition to secure its original intention, which the applicant is agreeable with.

- (1) Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the proposed buildings in any sub-phase of intended development within the areas shown for residential and employment development on drawing 4300/312 'Phasing – Strategic', and for the proposed Sports Pavilion, shall be submitted to and approved by the Local Planning Authority before any development within that respective sub-phase of development is commenced, provided that no development of the residential phase or employment phase as shown on drawing 4300/312 'Phasing – Strategic' shall commence until a Sub-Phasing Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority, development of the phase shall be undertaken in accordance with

the agreed Sub-Phasing Plan unless varied with the written agreement of the Local Planning Authority.

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) The access arrangements hereby approved shall be carried out in accordance with the following approved drawings:

ITL 11129-SK-006C 'Access Arrangements'

ITL 11129-SK-007 'Frognal Lane Pedestrian / cycle / emergency access plus access to site West of Frognal Lane'

ITL 11129-SK-013B 'Frognal Lane / Lower Road Junction, Improvements'

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of five 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.

- (4) 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.

- (5) The details submitted pursuant to condition (1) shall include a schedule setting out the areas that shall be reserved as public open space (including formal sports pitches, allotments, informal recreation areas, structural landscaping, SUDS features, and equipped and unequipped play areas). No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities of the area.

- (6) The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secure by Design'. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and safety.

- (7) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

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

- (8) No development shall take place until a detailed strategic landscape scheme for those area outside the areas shown for residential and employment development on drawing 4300 312 'Phasing – Strategic' (which shall consist of native species and of a type that will encourage wildlife and biodiversity) designed in accordance with the principles of the 'Swale Landscape Character and Biodiversity Appraisal' (2011) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on - and immediately adjacent to - the site and indicate whether they are to be retained or removed within the site. It shall detail measures for protection of species to be retained within the site, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles, and buffers between proposed and existing development, and include a planting specification, a programme of implementation and a minimum five year management programme. The development shall be carried out in accordance with the approved scheme.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development

- (9) The details submitted pursuant to condition (1) above shall show the residential development and the employment development restricted to the corresponding areas as identified indicatively on the 'Development Parameters' plan, number 4300/304 B.

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

- (10) Prior to the commencement of the development hereby approved full details of the method of disposal of surface waters as part of a detailed drainage strategy (including measures to prevent runoff on to public highways) shall be submitted to and approved in writing by the Local Planning Authority. This drainage strategy should be based on Sustainable Urban Drainage Systems (SUDS) principles – incorporating features designed to enhance biodiversity where possible - and shall be based on the recommendations of the Flood Risk Assessment October 2016 prepared by WSP, project reference 70021028 and shall demonstrate that both the rate and volume of runoff leaving the site post-development will be limited to 7 litres / second / metre squared. No building shall be occupied until details of the implementation, maintenance and management of the SUDS relating to such building have been submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be implemented, managed and maintained in accordance with the approved details. Such details shall include:-

- 1) a timetable for its implementation
- 2) a management and a maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public or statutory undertaker, or any other arrangements to secure the operation of the SUDS throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (11) Layout details submitted pursuant to Condition (1) shall demonstrate that requirements for the surface water drainage strategy can be accommodated within the proposed development layout.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (12) No development shall take place until a detailed design for the attenuation basins has been submitted to and approved in writing by the Local Planning Authority. The attenuation basins shall be designed with appropriate side slopes, such that they may be unfenced for free recreational access and provide an area of permanent water to provide biodiversity enhancements. The detailed design shall include, but not be limited to details of all outfall structures, cross-sections, and landscaping specifications within the ponds and surrounds.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (13) The development shall not begin until a Drainage Management Plan for the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority which demonstrates the provision of a drainage network to serve the development. The DMP shall include:
- i. a phasing plan which shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system
  - ii. a timetable for its implementation and
  - iii. management and maintenance arrangements for the lifetime of the development including arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Such management and maintenance arrangements shall include details of the following:
    - a. design criteria;
    - b. management techniques
    - c. maintenance schedules and frequency of operations, whether regular, occasional, remedial or monitoring action
    - d. health and safety matters
    - e. timescales for the replacement of any elements to ensure operation
    - f. public access issues

The Plan shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (14) No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats and nesting birds, 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) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed botanical (NVC), invertebrate, reptile and other update ecological surveys (as appropriate), carried out in accordance with good practice guidelines;
- c) Extent and location of proposed works (including identification of an appropriate reptile receptor site) shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In the interests of promoting wildlife and biodiversity in urban areas.

- (15) For each phase or sub-phase of the development hereby approved, no development shall take place within a relevant phase or sub-phase until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be taken to ensure that the development in that phase or sub-phase 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 of the phase or sub-phase of development in question as approved, and retained as such in perpetuity.

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

- (16) 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 by the Local Planning Authority.

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

- (17) Prior to each phase of development approved by this planning permission being commenced a remediation strategy that includes the following components to deal with the risks associated with contamination of that phase shall be submitted to and approved, in writing, by the local planning authority

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Sufficient information has been provided to satisfy part 1 of the above condition.

Reasons: To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development. To protect controlled waters and comply with the NPPF: Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- (18) No occupation of any phase of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

- (19) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through land contamination has the potential to impact on groundwater quality.

- (20) If, during development of any phase of development, contamination not previously identified is found to be present at the site then no further development within that phase of development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.



Reason: To protect groundwater which is a controlled water and comply with the NPPF.

- (21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater and to comply with the NPPF.

- (22) Prior to the commencement of development hereby approved, a Green Infrastructure and Biodiversity Management Plan (GIBMP) demonstrating how the proposal will incorporate measures to encourage and promote biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out fully in accordance with those approved details and shall thereafter be retained.

Reason: In the interests of promoting wildlife and biodiversity in urban areas.

- (23) The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any corresponding building to which it relates is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (24) No dwelling or employment building shall be occupied until space relating to such dwelling or employment building has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored. The agreed provision shall then be permanently retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (25) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, retaining walls, service routes, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and street furniture in any phase of development shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the

design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

(26) 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 (if required) beyond the dwelling together with related:

- (1) highway drainage, including off-site works,
- (2) junction visibility splays,
- (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety

(27) 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.

(28) No external lighting shall be constructed at the site other than highway lighting and that on private domestic residences or in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in a manner that minimises impact on neighbouring residential amenity and bats.

Reason: In order to prevent potential harm to neighbouring residential amenity and the local bat population.

(29) 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 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (30) All hard and soft landscape works shall be carried out in accordance with a landscaping scheme that shall be submitted to and approved by the Local Planning Authority pursuant to condition (1) above. The approved works shall thereafter be carried out prior to the occupation of any relevant part of the relevant phase of the development or in accordance with an alternative timetable previously approved in writing by the Local Planning Authority.

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

- (31) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- (32) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling or other building fronting on a highway within the application site without the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (33) Details relating to the upgrade of the existing public rights of way (known as ZR247 and ZR256) within the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced and works shall be implemented in accordance with the agreed details and a timetable that shall have been agreed in writing with the Local Planning Authority before the development is commenced.

Reason: In the interests of highway and pedestrian safety and convenience.

- (34) Construction of any sub-phase of the development hereby approved shall not commence until details of the proposed means of foul drainage for that sub-phase have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out fully in accordance with those approved details and shall thereafter be retained.

Reasons: In the interests of achieving an acceptable scheme of foul drainage and in the interests of minimising flood risk and ground water contamination.

- (35) No development of any residential or commercial phase or sub-phase or of the highway works within the application site boundary of the scheme hereby approved shall take place until a Construction and Environmental Method Statement for that corresponding phase, sub-phase or works has been submitted to and approved in writing by the Local Planning Authority. The approved Statements for both the residential and commercial

elements of the scheme and for the highway works shall be adhered to throughout the construction period for those phases. These shall include details relating to:

- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) Measures to control mud deposition off-site from vehicles leaving the site;
- (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors;
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
- (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site;
- (xi) A package of measures to mitigate the impact of the development on local air quality, particularly within the designated Teynham Air Quality Management Area from construction activities.

Reasons: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- (36) The highway works indicated on drawings ITL11129-SK-006 revision C, ITL 11129-SK-007 and ITL11129-SK-013 revision B shall be implemented in accordance with an agreed timetable. This timetable shall be agreed in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of highway safety and convenience.

- (37) No sub-phase of the development shall take place until a tree protection plan and arboricultural method statement for that sub-phase in accordance with the recommendations of BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (38) The employment floor space hereby approved shall not be used for any purposes other than use for all or any of the following purposes:
- (a) as an office other than a use for financial and professional services where the services are provided principally to visiting members of the public,
  - (b) for research and development of products or processes, or
  - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

and not for any other purpose set out in Class E of the Use Classes Order, whether or not such any other use would be now be permitted by the Use Classes Order or by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order).

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

- (39) No building hereby approved within any sub-phase of the development shall be occupied until a scheme of air quality mitigation measures based on the ideas included in Appendix D “Emissions Mitigation Statement” of the Air Quality Assessment by Phlorum dated September 2016 has been submitted to and approved in writing by the Local Planning Authority for that sub-phase of the development. Upon approval the approved measures shall be carried out as set out in the scheme and the terms of any approval thereof.

Reason: In the interests of the amenities of the are with reference to air quality.

- (40) All new dwellings hereby approved shall be fitted with thermal double-glazing that will ensure that internal noise levels meet all of the criteria of BS8233:2014.

Reason: In the interests of the amenities of the future residents with regard to noise.

- (41) Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

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

- (42) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no dwelling 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.

- (43) The reserved matters for each phase shall include measures to provide electric vehicle charging and shall include –
- a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage.
  - b) Electric vehicle charging points to be provided to a minimum of 10% of all other residential parking areas within any phase.
  - c) Electric vehicle charging points to be provided to a minimum of 10% of all non-residential parking spaces within any phase.

No dwelling / building hereby permitted shall be occupied until the electric vehicle charging points for that dwelling / building have been installed.

Reason: In the interest of promoting sustainable forms of transport.

### **The Council's approach to the application**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

### **INFORMATIVES**

(1) Please note that there is an Agreement under Section 106 of the Town and Country Planning Act 1990 relating to this development.

(2) The applicant may be required to apply for other consents directly from the Environment Agency and the applicant is advised to contact 03708506506 or to consult EA website to establish whether a consent will be required

(3) All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended) and as such any vegetation must be removed outside the breeding bird season, and if this is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease within that area.

(4) The IDB's formal consent will be required for any works affecting any watercourse on this site, including drainage outlets, so further details would be appreciated in due course.

(5) Any ditch or watercourse on this site (including the receiving Scrapsgate Drain) falls under the jurisdiction of the Lower Medway Internal Drainage Board.

(6) Any works whatsoever in, under, over or within 8m of any ditch or watercourse will require the full, formal written Consent of the Medway IDB. They can be contacted at [enquiries@medwayidb.cu.uk](mailto:enquiries@medwayidb.cu.uk).

(7) Medway IDB should be consulted on the requirements for the ongoing maintenance of the existing and proposed ditch systems with regard to the two options presented (i.e. either having the title deeds make specific mention of the home-owner's responsibilities or having the ditch-line fenced and maintained by a third [party]). Whichever option is pursued, sufficient access should be provided for any machinery that may be required for any such works.

(8) 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. 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.

(9) The applicant or developer should enter into a formal legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 3030119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(10) A formal application for connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 3030119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

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.

