

2.3 REFERENCE NO - 20/503325/FULL		
APPLICATION PROPOSAL Erection of 107 residential dwellings together with associated access, infrastructure, drainage, open space and landscaping.		
ADDRESS Land East of Crown Quay Lane Sittingbourne Kent ME10 3ST		
RECOMMENDATION – That planning permission is Granted, subject to the completion of a S106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION – The site forms part of a wider allocation for residential development under Policy A9 of the Local Plan. The proposal would deliver a high quality and high-density housing scheme and makes good use of a brownfield site within a sustainable urban location. Detailed planning impacts are acceptable or can be made acceptable through the use of planning conditions and obligations.		
REASON FOR REFERRAL TO COMMITTEE The application has been referred to committee by Cllr Hall.		
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Bellway Homes AGENT DHA Planning
DECISION DUE DATE 02/11/20		PUBLICITY EXPIRY DATE 10/09/20

Planning History

SW/03/0111 - Erection of mixed-use development including 157 residential units, offices, leisure and restaurant development; with associated parking and facilities – this application technically remains undetermined although it appears that the application stalled in 2005 and that no further work took place after this date.

There are a number of planning applications and permissions relating to the former industrial use of the site.

1. DESCRIPTION OF SITE

- 1.1 The application site is an irregular shaped parcel of land measuring 2.08 hectares in size and located to the east of Crown Quay Lane. The site borders Milton Creek to the north, Odds timber supplies to the south, and a concrete works to the east, separated from the site by a small inlet off the creek. The land immediately to the west of Crown Quay Lane is occupied by Jewson's building supplies, and a range of other businesses occupy premises and land further to the north of Crown Quay Lane along the creek frontage. The Milton Creek Country Park extends along the north side of the creek, directly opposite the application site.
- 1.2 The site previously housed business / commercial units, but these former buildings have now been removed. Prior to this, the site was used as a cement works / brickworks and a brick earth quarry. The land to the north part of the site, adjacent to Milton creek has historically been subject to land forming / infilling to accommodate access to the creek.

- 1.3 The site is currently vacant and surrounded by hoardings. Remnants of some hard surfaces remain, some parts of the site are becoming overgrown, and there are some rubble / spoil mounds on the site. The site has also been subject to some illegal dumping which has been reported by the site owner and is being investigated by the Environment Agency.
- 1.4 The site is allocated under policy A9 of the Local Plan as part of a large-scale housing development allocation. This allocation extends to Sittingbourne retail park to the west, to Eurolink Way to the south (excluding the metal scrapyards), to Milton Creek to the north, and land to the east of Crown Quay Lane, including the application site, Odds timber yard, and land to the south. A significant proportion of the land to the west of Crown Quay Lane benefits from permission for 383 dwellings, and this is currently under construction, with some units now occupied (ref 16/507877/FULL). The land to the south of the timber yard is subject to a current application for residential development (20/501631/FULL). However, the land parcels at Odds timber yard, Jewson's, and on the sites to the north along the creek frontage have not yet come forward for development, and these remain in active commercial use.
- 1.5 The site is located within the built confines of Sittingbourne and lies approximately 500m from the town centre and 600m from the train station.

2. PROPOSAL

- 2.1 This application seeks planning permission to erect 107 dwellings on the site, with associated infrastructure and open space. The development would provide a range of flats and houses of between two and four storeys in height, with the following mix –
- 2.2 1 bed units 29
- 2.3 2 bed units 47
- 2.4 3 bed units 23
- 2.5 4 bed units 8
- 2.6 11 units would be provided as affordable housing.
- 2.7 The layout incorporates two x 3-storey apartment blocks on either side of the site entrance from Crown Quay Lane, and a 4-storey apartment block would be located on the peninsula at the north end of the site, all designed in similar form and with a main saw-tooth roof feature. The 4 storey apartment building measures approx. 33m x 16.5m and 14m in height, and would contain 27 units. The three-storey apartment building on the south side of the proposed access road would be L shaped in design, with a length of approx. 32m, depth of 19.5m and height of 11.2m – and would contain 16 units. The three-storey apartment block (stepping down to two storeys in part) on the north side of the access road would be L shaped with a maximum length of approx. 19.5m, depth of 27m and height of approx. 11.2m (falling to 9m where the building drops to 2 storeys). This would contain 13 units.
- 2.8 The three storey town houses occupying plots 33-38 and 66-71 have been designed in terraces (with a small apartment block at each end) under a series of gables, at heights

of between 12.2m and 10.8m. The remainder of the development is a mix of two storey detached, semi-detached and terraced units under pitched / gable roofs and typically of approx. 8.75m in height, with some limited flats over garages (FOG's) of approx. 7.8 metres in height. All buildings are designed to utilise a combination of yellow stock bricks, dark coloured cladding and roofing, which provides a unifying appearance throughout the development.

- 2.9 The layout incorporates a single road entrance that runs through the site from Crown Quay Lane to the apartment block at the north end, and a large number of units front onto this road as it extends through the site. In addition, a number of units front onto the Creekside to take advantage of this key feature, culminating in the apartment block at the north end which is surrounded on three sides by the creek and inlet. A 3-metre cycle way and footway also wraps around the Creekside, and would provide pedestrian access to the Creekside dwellings. The Creekside path and land adjacent to the creek forms the public open space to the development.
- 2.10 The development includes land raising to protect the site from flooding, and to achieve safe design levels for the dwellings and external areas. Current land levels are in the region of 4.2-5m AOD. Proposed land levels would be generally between 5.75 and 6m AOD, with finished floor levels for dwellings of between 6.05 and 6.35 AOD.
- 2.11 Parking is provided through a mix of on-plot parking, parking bays adjacent to the road frontages, and parking courts, and a total of 156 parking spaces would be provided, including 17 for visitors.
- 2.12 The proposals include an offsite works plan for improvements to the Crown Quay Lane frontage to the site, including provision of a footway, a verge with tree planting, and parking bays.

3. **PLANNING CONSTRAINTS**

The site is approx. 1.7 km from the Swale SPA and Ramsar sites Milton Creek is designated as a local biodiversity site immediately adjacent to the site. The site is within the built confines of Sittingbourne and is part of a large-scale housing allocation under Policy A9 of the adopted Local Plan.

The site is within an area of Potential Archaeological Importance

The site falls within Flood zones 2 and 3 and a Groundwater Source Protection Zone A Grade II listed building at Bayford Court lies approx. 250m to the south of the site.

Part of the site is within the Kent Minerals and Waste 250m buffer zone.

4. **POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) - Paragraphs 2 (primacy of development plan in decision making), 8 (three dimensions of sustainable development); 11 (presumption in favour of sustainable development); 47 (Determining applications); 54, 55, 56, 57 (planning conditions and obligations); 59-62 (delivering a sufficient supply of homes, including affordable homes); 91-92 (creating healthy and safe communities), 97-98 (access to high quality open space), 108-111 (supporting sustainable transport), 112 (access to high quality communications within new development), 117-118 (making effective use of land), 122-123 (achieving appropriate

densities), 124-132 (good design) and 149-154 (planning for climate change), 174-177 (protecting / enhancing biodiversity).

- 4.2 National Planning Practice Guidance (NPPG) – Air Quality, Appropriate Assessment, Climate Change, Design, Determining a Planning Application, Effective Use of Land, Flood Risk, Housing Needs, Land affected by Contamination, Noise, Open Space, Planning Obligations, Transport Assessments, Use of Planning Conditions
- 4.3 The adopted development plan is Bearing Fruits 2031: The Swale Borough Local Plan 2017 – policies ST1 (sustainable development), ST2 (development targets), ST3 (the settlement strategy), ST4 (Local Plan development targets), ST5 (Sittingbourne area strategy), CP3 (wide choice of homes), CP4 (good design), CP5 (health and well-being), CP6 (community facilities), CP7 (green infrastructure), CP8 (historic environment), A9 (Land at Crown Quay Lane), DM6 (transport demand and impact), DM7 (vehicle parking), DM14 (general criteria), DM17 (open space and recreation), DM19 (sustainable design), DM21 (water and flooding), DM28 (biodiversity), DM29 (trees etc) and DM32 (listed buildings).
- 4.4 The consultation on the Swale Borough Local Plan Review Pre-Submission document began on 8th February 2021. As this Plan is at an early stage, no material weight can be given to it at present. However, it is noted that the current allocation under policy A9 is proposed to roll forwards into the new plan.
- 4.5 Supplementary Planning Guidance (SPG) – The SBC Car Parking Standards SPD.
- 4.6 The South East Marine Plan is a material consideration to inform decision making in planning within inshore waters. The relevant mapping identifies that there is an overlap between the application site and the area designated within the Marine Plan. The Plan aims to enhance and protect the marine environment, including habitats and species and natural defences against climate change and flooding.
- 4.7 Policy A9 of the Local Plan is highly relevant and is copied in full below.

Land at Crown Quay Lane, Sittingbourne

Subject to securing high quality design and an appropriate mix, planning permission will be granted for a minimum of 650 dwellings, open space and habitat creation at Crown Quay Lane, Sittingbourne, as shown on the [Proposals Map](#). Development proposals will:

1. Accord with a Masterplan/Development Brief (developed through stakeholder consultation, including the Borough Council and Swale Design Panel), which shall demonstrate a comprehensive approach to the bringing forward of the whole allocation;
2. Achieve high quality design befitting the prominent position of the site on Milton Creek and in important views;
3. Restore and enhance land on the creek frontage to provide open space and a creekside path to meet the needs of residents, mitigate flood risk (if required) and create creekside biodiversity habitats;
4. Incorporate an integrated landscape strategy that will create a strong landscaped framework of open spaces, habitat retention and creation and planting, including the use of tree lined streets within the development and at Crown Quay Lane and Eurolink Way;
5. Achieve pedestrian/cycle links to the town centre and pedestrian links to the Sittingbourne Retail Park, Milton Creek and its Country Park (via a landmark bridge);

6. Ensure that, through both on and off-site measures, any significant adverse impacts on local wildlife sites are mitigated in accordance with Policy DM 28. In the case of such impacts upon European designated sites, these will be mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;
7. Undertake flood risk assessment in accordance with Policy DM 21 to ensure that flood risk is not increased at adjacent sites and to bring forward proposals that create and utilise water features (inc. use of sustainable urban drainage) within the development;
8. Achieve a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;
9. Be accompanied by a Health Impact Assessment in accordance with Policy CP 5, which shall also include an assessment of the impacts on residential areas from adjacent commercial uses;
10. Assess and respond to and mitigate impacts on any heritage assets;
11. Undertake a transport assessment and implement any highway and other transportation improvements arising from the proposed development;
12. Assess impacts upon and ensure that air quality objectives are not compromised; and
13. Provide infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, in particular, health facilities.

5. LOCAL REPRESENTATIONS

- 5.1 3 letters of objection have been received from two adjacent businesses.
- 5.2 The owner of Odds Timber is concerned that the timber yard creates noise, vibration and dust and that the placement of residential properties close to the yard would be likely to lead to complaints from residents, which would affect the ability of the company to operate and provide employment. The close boarded fence shown on the boundary would not provide adequate protection.
- 5.3 Representations have been received from Supreme Concrete who operate from substantial premises to the east of the site. They raise concern regarding the lack of robust screening around the site boundaries, and the impacts of their operation on proposed residents, including the effects from floodlighting, noise, dust and nuisance from the nature and operation of the Supreme site, and which operates working times of 4am-7pm. The development should not compromise the ability of Supreme to carry out its operations. The representation also raises concern regarding increased traffic on the local highway and increased flood risk.
- 5.4 One representation has been received from a local resident of Sittingbourne. It simply states, "no more housing".
- 5.5 The Sittingbourne Society raise no objection in principle and in fact would prefer this to houses being built on peripheral greenfield sites. However, they state that safe pedestrian links to the town centre must be provided, especially across Eurolink Way, and that the design should take account of the proximity to the creek and flooding impacts.

6. CONSULTATIONS

- 6.1 **KCC Highways** – advise that the wider impact on the local highway network is acceptable subject to off-site mitigation to amend the traffic light timings at Crown Quay

Lane / St Michaels Road, and a financial contribution towards proposed highways improvements at Key Street roundabout (£64,800), the Swanstree Road / A2 junction (£15,260) and the A2 / Murston Road (£12,110). In addition, works to improve the highway on Crown Quay Lane and to progress a Traffic Regulation Order on Crown Quay Lane and within the development site should be secured. KCC Highways also raise no objection to the internal road layout and footway amendments, and that parking provision is acceptable provided that the parking restrictions requested above are applied. KCC Highways raise no objection overall, subject to conditions and securing the financial contributions via a S106 Agreement.

- 6.2 Advise that walking and cycling infrastructure is acceptable, and that highways works coming forward as part of the adjacent Redrow Homes development include provision of a puffin crossing on Eurolink Way and a pedestrian refuge island. Bus stops are located on Eurolink Way at 375m distance from the site, and the Redrow scheme also includes improvements to these.
- 6.3 The detailed site layout and parking has been subject to recent amendments, and the formal comments from KCC Highways are awaited on these and will be reported to Members prior to the meeting.
- 6.4 **Highways England** – raise no objection provided a condition is imposed to prevent any occupation until the opening of a Roads Investment Strategy scheme at the M2 J5. Advise that development traffic would be unlikely to affect the safety, reliability and/or operation of the Bobbing Interchange. Advise that the Council may wish to request a proportionate contribution from this development towards improvements at Key Street roundabout.
- 6.5 **Environment Agency** – no objection subject to a condition regarding internal levels, protection of groundwaters and contamination
- 6.6 **Southern Water** – advise of a water main within the site (this is on / adj to Crown Quay Lane) and the need to protect such apparatus. Advise that foul sewerage disposal is available.
- 6.7 **Swale Footpaths Group** – comment that the legal status and responsibility for upkeep of any new paths and open spaces needs to be established from the outset.
- 6.8 **KCC Public Rights of Way officer** – Raise no objection, but request that the status and ongoing maintenance of the footway / cycle path should be clarified as this will not be the responsibility of KCC.

Officer note – maintenance of the path would fall under the open space management requirements and be subject to control via a management plan.

- 6.9 **SBC Housing** – advises that the number of affordable units are acceptable (11) and should be provided as 10 x affordable/social rented and 1 x intermediate / shared ownership. Advise that the mix should include a greater range of unit types.
- 6.10 **SBC Climate Change officer** – Advises that no sustainability / energy statement has been provided with the application.

Officer note – the applicant was asked to provide a statement, but this has not been forthcoming. The applicant has agreed that the units would be built to achieve a 20% reduction in CO2 emissions compared to the level required by the current Building Regulations, and this is subject to a planning condition.

SBC Environmental Health

6.11 Contamination – Accepts the detailed findings in the submitted investigation report. Advises that further investigations and remediation will be necessary and can be subject to planning conditions.

6.12 Noise – Following the submission of an amended noise report, the EHO is satisfied in principle that the residential units can achieve acceptable internal and external standards and protection from noise sources, subject to suitable mitigation such as acoustic insulation, use of mechanical ventilation, and high-spec acoustic fencing to garden areas. However, they have questioned the suitability of the mitigation offered in the report and advise that this needs to be considered further.

Officer note – as the EHO considers the scheme acceptable in principle, the need for further information and potentially a higher specification of mitigation can be dealt with by way of a planning condition.

6.13 Air Quality – advises that the Air Quality Assessment (as revised) is acceptable and that the damage cost calculation of £47,926 is appropriate, although mitigation measures to this cost (whether on or off site) need to be negotiated. Advises that the EV charging as set out in the AQA is acceptable.

6.14 EV charging – advises that more details on these facilities should be provided.

6.15 **SBC Greenspaces Manager** – advises that inclusion of the Creekside footpath/cycle path is welcomed as this helps to deliver the desired long-term strategy returning the Saxon Shoreway to the edge of the creek. Notes that limited opportunity for active open space/recreation is identified, but that the proposed adjacent off-site Creekside park can compensate. A focus on providing Creekside open space opportunities with the emphasis on appropriate landscape and biodiversity enhancements is appropriate. These should be considered in the widest sense, to include habitat for as many species as possible including for bees etc. The proposed “protection” to Creekside habitats from access to the foreshore is also a positive, but rather than being a wall of fence/hedge it might be appropriate to provide/ensure at least a glimpse of what is beyond particularly with selective views north. Tree and shrub planting should be of appropriate native and salt tolerant species. Advises that on-site open spaces are unlikely to be adopted as identified in the Open Spaces Strategy, but should be offered to the Council along with appropriate commuted sum first, and other delivery methods for maintenance explored.

Officer note – specific details relating to landscaping and species choice will be subject to control via planning conditions and the comments above will be incorporated into this.

6.16 **Natural England** – Advise that mitigation will be required to manage impacts on the coastal Special Protection Areas and Ramsar site(s), and that Swale already has measures in place to manage such impact through the SAMMS strategy. Subject to the

appropriate financial contribution being secured, Natural England is satisfied that impacts can be mitigated. However, this also needs to be formally confirmed by SBC via an Appropriate Assessment.

- 6.17 **KCC Drainage** – Following the submission of further material, KCC raise no objection to the drainage strategy proposed, subject to conditions to secure a detailed scheme.
- 6.18 **NHS** – Advise that there is limited capacity in existing local GP premises, and that additional capacity is required to provide for the needs of the development. A sum of £81,000 is requested to improve / provide local facilities.
- 6.19 **KCC Ecology** – advise that sufficient information has been submitted to determine the ecological impacts and raise no objection to the application, subject to conditions to secure a Biodiversity Method Statement, an Ecological Design Strategy and a Landscape and Ecological management Plan.
- 6.20 Advise that the site does not fall within the Swale SPA and Ramsar sites. However a shadow HRA report has been produced and identifies that effects on Milton Creek could occur during the construction and operational periods which would affect the functionality of the creek as supporting habitat to the Swale SPA / Ramsar sites. The HRA includes a range of mitigation measures to deal with this, through control over lighting, measures to treat any contaminated surface water run-off, noise from construction such as piling / concrete breaking activities and the operation of “noise buffer zones” to restrict certain construction works during the months of November to February (inclusive) , visual screening, lighting, surface water discharge and dust control measures, The proposal will also need to provide a financial contributions in accordance with the established SAMMS strategy operated by SBC. It is for SBC as the “Competent Authority” to undertake an Appropriate Assessment.

(officer note – an Appropriate Assessment has been carried out and submitted to Natural England for approval).

- 6.21 Advise that the site abuts mudflats which form part of Milton Creek and which is part of the Swale Estuary Marine Conservation Zone and the Milton Creek Local Wildlife site. The extent of mudflats falls outside the application site and will be maintained, together with a band of tall ruderal vegetation that will form part of a proposed 8 metre buffer zone around the site perimeter. Advise that this is sufficient to protect the adjacent Local Wildlife site and priority habitat. Proposals to remove of the existing hard vertical wall by the culvert and relax the slope to allow further mudflats to form is welcomed, and should be subject to a management plan. Existing trees and hedges around the site perimeter should be protected during construction.

Advise that the impacts on protected species are acceptable as analysed in the ecological report. Advise that lighting proposals should follow published guidance.

- 6.22 **Kent Police** – Originally raised concerns regarding various elements of the scheme in relation to potential for crime and safety impacts. Following amendments, Kent Police advise as follows –

- That measures to deter unauthorized access onto the footpath / cycle route, including bench seats and planters, are acceptable, although use of kissing gates is also

recommended in two areas.

- Use of boundary planting to deter access is improved and is acceptable.
- Advise that the strip of land to the rear of plots 77-91 is fully secured with a maintenance gate to prevent unauthorized access.
- Advise that visitor parking should be clearly marked, and that sheds used for cycle storage should be securely locked and incorporate ground anchors.
- Advise that all roads should be lit.
- Advise that a small area of land to the rear of plot 89 should be secured.

Officer note – the above requirements can be secured as part of a hard landscaping and / or crime prevention condition.

- 6.23 **KCC Minerals and Waste team** – advise that insufficient information has been provided to assess whether the development would adversely affect an existing safeguarded waste facility at Biffa, Gas Road, and object on this basis.

Officer note – A revised air quality assessment has been submitted to address the comments made. To date, no further comments have been received from the KCC Minerals and Waste team.

- 6.24 **KCC Developer Contributions team** – request a range of financial contributions to meet off-site infrastructure impacts on local services, as follows –

Primary school – £370,600

Primary school land - £110,428.99

Secondary school - £282,092

Secondary school land - £143,647.47

Community learning - £1756.94

Youth Services - £7,008.50

Libraries - £5,933.15

Social Care - £15,716.16

Waste facilities - £23,745.44

Also seek all homes to M4(2) standards, and provision of high-speed broadband infrastructure.

Officer note – the Council does not currently have a policy that can require all homes to M4(2) standards. However, it is noted that the plans identify that 7 private units would be to this standard. It is expected that all affordable units will be built to this standard and that this will be specified in the S106 agreement. Members should also note that KCC has agreed to remove a previous requirement for a contribution towards secondary

school land costs, as this land (at Quinton Road) is to be provided at nil cost by the developer of the NW Sittingbourne strategic allocation.

- 6.25 **The Marine Management Organisation** raises no specific objection but refers to the need for developments to be guided by its Marine Plan, and the need for a Marine Licence if any activities / development is to take place below the mean high-water mark.

7. **BACKGROUND PAPERS AND PLANS**

The application incorporates detailed plans, elevations and streetscene drawings, A Flood Risk Assessment, Heritage Statement, Transport Assessment, Air Quality Assessment, Ecological Appraisal and shadow HRA, Environmental Noise survey, Design and Access statement, Planning statement, and a Contamination report.

8. **APPRAISAL**

8.1 Principle of Development

The site is allocated in the local plan as part of a wider site for strategic housing development – including the site to the west of Crown Quay Lane which benefits from planning permission for residential development (383 dwellings), and which is under construction and partially occupied. The site is located within the built confines of Sittingbourne which is the primary focus for growth in Swale and the highest settlement tier under Policy ST3 of the Local Plan. It is located close to the town centre and associated services and facilities, and would result in the redevelopment of brownfield land. It would make efficient use of this land, at a density of over 50 dwellings per hectare. Subject to the detailed consideration of impacts below, the redevelopment of this site is acceptable in principle and explicitly supported through policy A9 of the adopted Local Plan.

Detailed site allocation policy considerations

- 8.2 Policy A9 allocates land at Crown Quay Lane for development of a minimum 650 dwellings, open space and habitat creation. It contains a number of criteria that proposals should comply with, as set out and assessed in turn below.

1) Accordance with a Masterplan / Development Brief which shall demonstrate a comprehensive approach to bringing forward the allocation.

- 8.3 This application follows the grant of planning permission for a significant part of the site allocation to the east of Crown Quay Lane and north of Eurolink Way under 16/507877 – and which is under construction by Redrow Homes. A development brief was submitted as part of the approved application and which identified a patchwork of different owners of the wider site allocation, with Redrow and Bellway Homes owning the two largest plots – including the site subject to this application. The Brief identified this site to deliver approx. 106 dwellings, as part of the distribution of housing across the allocation to achieve the minimum local plan target of 650 dwellings.

- 8.4 The Brief identified a large swathe of strategic open space to be provided in the north area of the site, part of which would be delivered by the Redrow scheme. S106 contributions were secured as part of the Redrow scheme to provide funding towards assembling the smaller plots along the northern Creekside boundary, and which would deliver open space adjacent to the creek. This included sums totalling £1,805,000

towards land assembly, landscaping and pedestrian link improvements, including a footbridge across the creek.

- 8.5 The current application delivers a quantum of units in line with this brief. It is also considered that the application should provide a proportionate financial sum to add to the wider land assembly and creekside open space contributions already secured under the Redrow scheme – which amounts to a further £504,268. The applicant has agreed to make this contribution.

2) To achieve a high-quality design befitting of the prominent position of the site on Milton Creek and in Important Views

- 8.6 The site occupies a prominent Creekside location and policy A9 of the Local Plan makes clear that a high-quality design should be achieved, befitting of such a location. The supporting text to the policy sets out that the development should incorporate architectural statements that create landmark views, and that some taller buildings may be appropriate, subject to careful location and design. Arguably, this site occupies the most prominent part of the wider area allocated for Creekside development, with housing development proposed close to the creek edge.

- 8.7 The scheme incorporates three main apartments blocks, two of which would be of three storeys and sited on each side of the entrance from Crown Quay Lane. The third apartment block would be a 4-storey building, sited on the peninsula in the north section of the site. Following negotiations between the applicant and my officers, the design of the apartments has evolved and been substantially improved to be more reflective of the industrial and waterside location and heritage of the site and area, through the use of simplified blocks with repetitive yellow stock brick elevations, large window openings and, most notably, a saw-toothed roof design. Likewise, the units immediately to the south of the main 4 storey apartment building and facing the Creekside have been enlarged to three storey terraces with strong gable features and use of dark cladding. The remainder of the development is two storey and more domestic in appearance, but utilises yellow stock bricks and dark cladding to create cohesion through the development.

- 8.8 In my opinion, the design is strong and distinctive and the larger apartment buildings in particular would provide high quality architectural features in the local surrounding townscape and from views across the creek, as well as contributing to a high-quality environment along the new Creekside path.

3) To restore and enhance land on the creek frontage to provide open space and a creekside path to meet the needs of residents and create creekside biodiversity habitats.

- 8.9 The layout incorporates a swathe of open space and a creekside path that runs along the entirety of the north and east boundaries of the site and provides the ability to connect into adjacent sites if and when these come forward. The open space within the Creekside frontage varies in width between 5 metres and 25 metres and amounts to some 17% of the application site, although some areas would be less accessible due to topography and / or for ecological management purposes. A post and wire fence with hedging would run along the creekside to define the boundary between these areas.

8.10 The scheme includes habitat creation measures through removal of the existing headwall by the culvert, and creation of a natural bank to increase the area of mudflat and saltmarsh habitat, which would contribute towards the aims of the Swale Biodiversity Action Plan – and would add to the mudflats and saltmarsh areas adjacent to the site which are BAP Priority habitats. The scheme also includes measures within the site to improve biodiversity along the creek frontage, incorporating areas of coastal grassland and wildflower mixes, hedge and tree planting, and such measures are acceptable to the KCC Ecologist. The applicant has recently submitted a Biodiversity net gain note which advises that the proposed habitat enhancements would deliver an increase of 23.1% in Biodiversity net gain.

8.11 The provision of the Creekside path and corridor as the open space within the development is acceptable to the Council's Greenspaces Manager, and provides the opportunity, if and when other sites within the allocation come forward, to connect to these and provide a continuous creek side path, which is a key requirement for development of this allocation.

4) Incorporate an Integrated landscape strategy, to create a strong landscaped framework of open spaces, habitat retention, creation and planting including tree-lined streets within the development and at Crown Quay Lane and Eurolink Way

8.12 The application site is currently divorced from the Redrow development and relies on other developments to come forward to link residential areas within the allocation together. Nonetheless, the scheme provides the opportunity to link the Creekside path to any future development to the west of the site, as well as a footpath / cycle path connection to the land at Odds Timber yard if and when this comes forward for development – and in this respect offers opportunities for connectivity through green corridors.

8.13 The applicant is willing to provide improvements to the Crown Quay Lane environment, as part of wider improvement proposals being pursued by my officers and as set out in more detail below, including the creation of a tree-lined street environment. The applicant would commit to widening and improvement works to the area of Crown Quay Lane adjacent to the site frontage, to be secured via a planning condition, with other developers expected to do the same as and when sites come forward.

8.14 The scheme itself incorporates areas of tree planting along the length of the proposed access road through the application site and landscaping / habitat retention along the Creekside.

5) Achieve pedestrian / cycle links to the town centre, and pedestrian links to the retail park, Milton Creek and its county park (via a landmark bridge)

8.15 The Redrow Homes development on the west side of Crown Quay Lane has secured the provision of a puffin crossing and bus stop improvements on Eurolink Way. The proposed development would link (via Crown Quay Lane) into the Redrow scheme on the east side via a vehicle and footpath connection from Crown Quay Lane – which would provide legibility between the two sites.

- 8.16 The applicant has agreed to make improvements to the environment of Crown Quay Lane immediately next to the site frontage (as generally shown on the off-site works drawing 14121-H-04 Rev P1), as part of a scheme that all developers with a frontage onto the Lane would be expected to deliver (and is being pursued with other developers). The improvement scheme as a concept has been devised to provide a road environment with a footway on the east side and a cycle / footway on the west side, and includes street tree planting and defined parking laybys so that in due course the environment along the entirety of Crown Quay Lane is enhanced in order to make a good level of provision for pedestrians and cyclists and break the current car dominance that is characteristic of the road. This includes some take-up of land on each application site to achieve necessary widths to deliver the improvements. Whilst a comprehensive scheme would also require the Jewson's and Odds Timber yard sites to come forward for development, the current development proposals would deliver improvements to site frontage and would contribute to improvements to the road environment.
- 8.17 Whilst the above proposals would significantly improve the road environment and provide a cycling route, the existing pavement on the west side of Crown Quay Lane leading to Eurolink Way, provides a current means for pedestrian access towards the services and facilities within the town centre.
- 8.18 The applicant has agreed to make financial contributions towards a proposed footbridge at Milton Creek. This uses the same calculation per unit as was applied to the Redrow scheme.
- 6) *Ensure that, through on and off-site measures any significant impacts on local wildlife sites and European Designated sites are mitigated in accordance with policies CP7 and DM28.*
- 8.19 The ecological material submitted with the application sets out that the existing site itself is generally of limited ecological value, with peripheral areas of landscaping and habitat value. The development includes proposals for a range of new landscape and ecological features, including formal native hedge, shrub and tree planting through the residential development, and creation of a green corridor adjacent to the Creekside, incorporating hedging, coastal grassland and wildflower planting, and mudflat and saltmarsh creation. Existing mudflats, which form part of the Milton Creek Local Wildlife Site, and are a Priority Habitat, would be retained. The KCC Ecologist is satisfied that the proposals would not harm this habitat.
- 8.20 The scheme falls within the zone of influence of the Swale Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar site), such designations being 1.7km from the site. In accordance with established policy, the applicant has agreed to make a financial contribution in accordance with the SAMMS strategy to manage and mitigate such impacts. Potential impacts on wintering birds using the mudflats adjacent to the SPA have also been identified, and mitigation measures during the construction process (such as timing of works within identified areas, dust mitigation and screening) and for the final development (such as lighting details and treatment of surface water prior to discharge to the creek) have been put forward and agreed, and would be subject to planning conditions. As the "Competent

Authority” SBC has undertaken an Appropriate Assessment and this has been submitted to Natural England for approval.

8.21 The KCC Ecologist is satisfied that the ecological information is sufficient and that the ecological impacts, mitigation, and enhancements as set out in the application are acceptable, including impacts on Milton Creek as a local biodiversity site.

7) Undertake flood risk assessment in accordance with Policy DM 21 to ensure that flood risk is not increased at adjacent sites and to bring forward proposals that create and utilise water features.

8.22 The proposal includes a Flood Risk Assessment, and the development would include a scheme of land raising of up to 1.8 metres in height to protect dwellings from flood risk. The need for land raising on part of the site allocation is recognised in Policy A9 and has taken place on the adjacent Redrow scheme. The Environment Agency is satisfied with the proposals and raises no objection to the development, provided that the finished floor levels and sleeping levels as set out in the FRA are secured by condition.

8) Achieve a housing mix in accordance with policy CP3 and affordable housing in accordance with policy DM8.

8.23 The proposal would deliver a range of house / apartment types, with the focus on 1 bed, 2 bed and 3 bed units. This reflects the higher-density character of the proposed development. The borough-wide housing needs as set out in the supporting text of policy CP3 states that the greatest need is for 2 and 3 bedroom units, and 70 of the 107 units would be of this size.

8.24 The development would provide 10% of the units (11 units) as affordable housing, in accordance with Policy DM8 of the Local Plan. Further discussions regarding the precise mix of units are ongoing as part of the S106 discussions.

9) Be accompanied by a Health Impact Assessment in accordance with Policy CP 5, which shall also include an assessment of the impacts on residential areas from adjacent commercial uses.

8.25 The application does not include a health impact assessment, although I note that the NHS has provided details of contributions to improve the capacity of healthcare provision in the town, that the scheme incorporates green space and a Creekside path, and that the location of the site offers sustainable options to walk / cycle rather than use the car. The scheme has also been subject to input from Kent Police to improve the safety of the design and layout of the scheme, and includes noise and air quality assessments.

8.26 The site is not located adjacent to any existing residential units, the closest being those permitted on the west side of Crown Quay Lane as part of the Redrow homes development, and as such does not materially impact upon neighbouring residential amenities.

8.27 The main issue relating to amenity is whether the proposed residential development can co-exist in an acceptable way with the existing businesses that operate in the immediate area. In this respect, whilst Policy A9 of the Local Plan incorporates existing business

premises including those at Odds Timber Yard and Jewson's as part of the proposed residential development of the area, and envisages the re-development of these sites, there is no indication that these businesses are likely to relocate in the near future. Direct representations have been received from Odds Timber yard raising concern about the introduction of residential development near their premises, and similar representations have been received from Ibstock in relation to the Supreme Concrete site to the east.

- 8.28 A noise assessment has been submitted and updated during the course of the application, focussing on the likelihood of noise impacts from surrounding uses and the likely effect on residential amenity. In terms of layout, I note that the proposed land raising would elevate the site above Odds Timber Yard, that a number of proposed dwellings would be between 8m and 15m from the site boundary, and that a 5-metre-wide strip along this boundary is proposed, and which can be landscaped to provide a visual buffer to the proposed residential dwellings and gardens that would back onto this buffer area. The four-storey flat block to the north would be sited approx. 35m from the Supreme Concrete site, across a small inlet. The three storey flats at the entrance would be on the opposite side of the road from Jewson's, at a distance of approx. 20m. The Council's Environmental Health team have reviewed the noise assessment and the comments raised by adjacent commercial units, and have sought revisions to the assessment as a result. They advise that they have no objection in principle to the residential use and relationship with neighbouring commercial uses, but have queried whether greater levels of mitigation are required (such as triple glazing, mechanical ventilation, and high specification acoustic fencing). Given they have no objection in principle and this is a matter of securing the right level of mitigation, I am content that this can be dealt with via planning conditions, and Members will note condition (4) below.

10) Assess and respond to and mitigate impacts on any heritage assets;

- 8.29 The site is located approximately 250 metres to the north of Bayford Court, a Grade II listed building. The Odds Timber Yard is sited between the site and this listed building, as well as a scout hall and surrounding open space. Mature landscaping also intervenes. On this basis, the conservation officer is content that the proposal would not cause harm to the setting of this listed building.
- 8.30 The site forms part of the industrial wharfside along Milton Creek, and the Conservation officer considers that this should be incorporated into heritage interpretation boards along the creek frontage. I consider that this can be achieved via a planning condition.

11. Undertake a transport assessment and implement any highway and other transportation improvements arising from the proposed development;

- 8.31 The application includes a Transport Assessment and following the submission of additional material KCC Highways raise no objection to the proposal in terms of traffic generation and wider impacts on the local network, subject to securing off site contributions and works, as set out in paragraph 6.1 above. The site is recognised as being close to the town centre, public transport, services and facilities, and is, in my opinion, highly sustainable in this respect.
- 8.32 Highways England raise no objection to the development in terms of impact upon the Strategic Road Networks, subject to a condition to restrict occupation until the proposed M2J5 improvements are completed.

- 8.33 The internal arrangements and parking have been subject to recent amendments and KCC Highways advise that internal road and footway layouts are acceptable. The scheme would deliver 139 parking spaces for residents, based on 1 space per unit for the flats and 2 bed units, 1-2 spaces for 3 bed units, and 2 spaces per 4 bed unit. Given the highly sustainable location of the site, close to the town centre, train station and services, I consider this to be in accordance with the Council's Parking Standards SPD. 17 further visitor spaces would be provided.
- 8.34 The scheme identifies that a number of units would benefit from EV charge points, although I note that not every dwelling has on-plot parking and it has not been possible to secure this for all units. I also consider that further EV charge points are required to serve the communal parking areas for the flats, and visitor parking, and I propose to include a condition to secure this in accordance with the Council's Parking Standards.
- 8.35 KCC Highways recognise the requirement and benefits of bringing forward an improvement scheme to Crown Quay Lane, and this would need to be agreed under a S278 process between KCC and the applicant. I have included a condition to require the scheme to be implemented prior to first occupation of the development.
- 8.36 Overall, KCC Highways and Highways England do not raise objection to the scheme, subject to appropriate control and mitigation measures. I consider that the highways impacts (with mitigation requested) are acceptable, and that the site provides very good opportunities for residents to access services and facilities without reliance on the private car.

12. Assess impacts upon and ensure that air quality objectives are not compromised.

- 8.37 The application includes an Air Quality Assessment (AQA), which has been revised during the course of the application to deal with specific queries raised by the Council's Environmental Health team. The AQA identifies that emissions during construction (such as dust) can be suitably controlled through mitigation measures, and I agree that these can be secured via planning conditions. The AQA also identifies that risks of adverse impacts from the KCC Household waste facility are negligible, in response to concerns raised by Kent County Council.
- 8.38 The AQA has used modelling to identify that increases in NO₂, PM₁₀, and PM_{2.5} would occur but would be negligible and would not cause significant impacts upon local air quality or within designated AQMA's. The modelling and findings are accepted by the Council's Environmental Health team.
- 8.39 The AQA also proposes measures to reduce air quality impacts in accordance with the local plan and national guidance. In this respect, the AQA states that any boilers within the development would be low NO_x, that EV charging would be provided (noting that only a limited number of units have on-plot facilities and that communal EV charging is also required). It also provides a damage cost calculation in accordance with Defra guidance to estimate the value of the impact of NO_x and PM_{2.5} emissions – and the figure of £47,926 is agreed. The extent to which this sum will be used to provide on-site mitigation or whether it is secured as an off-site contribution is still under discussion with officers, and will form part of the S106 discussions if Members agree with my recommendation to approve the scheme.

- 8.40 Taking the above into account, I am satisfied that air quality impacts have been properly assessed, and that the development would not cause any significant impacts to air quality, and that appropriate mitigation and contributions are being secured.

13. Provide infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, in particular, health facilities.

- 8.41 The following Heads of Terms are proposed for inclusion in a Section 106 Agreement between the applicant and the Council. Officers have reviewed each proposed contribution and are satisfied that these meet the tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:

- (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

- 11 units to be secured as affordable housing.
- £593 per unit for offsite formal sports provision
- £446 per unit for off-site formal play provision
- £105.20 per dwelling and £948.20 per 5 flats for the provision of refuse bins
- £250.39 per dwelling for the SAMMS contribution
- £6,800 per dwelling and £1,700 per applicable flat towards build costs for a new primary school to serve N Sittingbourne.
- £2026.22 per dwelling and £506.56 per applicable flat towards land costs for a new primary school to serve N Sittingbourne.
- £5,176 per dwelling and £1,294 per applicable flat for build costs towards a new Secondary school at Quinton Rd, Sittingbourne.
- £16.42 per unit for community learning, to be used towards additional provision at Sittingbourne Adult Education centre
- £65.50 per unit towards youth services, to be used towards additional youth resources in Sittingbourne
- £55.45 per unit towards library provision at Sittingbourne library
- £146.88 per unit to be used for a variety of social care purposes in the area.
- £221.92 per unit towards additional waste disposal facilities in Sittingbourne
- £81,000 (based on a calculation of £360 per predicted occupant of the development) in total towards local healthcare provision.
- Up to £47,926 in total for air quality mitigation measures – although discussions are still taking place as to whether some mitigation would take place via on-site measures (which would remove or reduce the off-site sum).
- A sum of £504,268 towards land assembly, open space works and provision of a footbridge to the Creekside on the west side of Crown Quay Lane. This has been calculated as a proportion (based on the number of dwellings proposed) of the sum secured for the Redrow development for the same purposes.
- £15,260 for highway improvements to the A2 / Swanstree Avenue
- £12,110 for highway improvements to the A2 / Murston Road junction
- £64,800 for highway improvements to the A2 / Key Street
- Alterations to the traffic signals at the junction of the A2 and Crown Quay Lane
- Provision, management and maintenance of the open space
- A monitoring fee of £20,000

Other Matters

- 8.42 Climate change – The applicant has advised that they are able to design the dwellings to achieve a 20% improvement in CO2 emissions compared to the current Building Regulations. Whilst this is below the 50% that Members have aspired to achieve, I consider that this is still nonetheless a significant improvement on the current Building Regulations, and in accordance with Policy DM19 of the adopted Local Plan (which does not set a minimum target). Members will also note the recent appeal decision at Wises Lane where the Secretary of state did not agree to impose a 50% reduction in emissions.
- 8.43 Marine Management – part of the site appears to overlap with the area of inshore waters designated under the South East Marine Plan, and which is a material consideration in making planning decisions. The Marine Management Organisation do not object to the application, but state that a marine licence may be required if any development or works take place below mean high water level. As the site has been allocated for development through the local plan process, and includes assessment and mitigation of ecological and flooding impacts, which are key areas within the Marine Plan, I am satisfied that sufficient regard has been made to this Plan for the purposes of determining this planning application.

9. CONCLUSION

- 9.1 The site forms part of a strategic housing allocation in the Local Plan. Permission has already been granted for a large part of the allocation to come forwards, and this is under construction, and a number of units are now occupied. Development of the site is acceptable in principle through the allocation in the Local Plan. Following amendments to the design and layout, I consider the scheme to be of high-quality design and appropriate to its location and setting close to Milton Creek. Whilst surrounded by some commercial and industrial uses, this has in part always been recognised when allocating the site for development, and the scheme is capable (with mitigation) of providing a suitable level of residential amenity for occupants and co-existing with these commercial / industrial neighbours. The proposal would help deliver open space along the Creekside and would provide a range of house types in a highly sustainable location in very close proximity to the town centre, train station and bus services, and other services and facilities. Highway, air quality, and other impacts relating to the proposal are acceptable and capable of mitigation where necessary.
- 9.2 Overall, I am of the opinion that the proposal is acceptable and in accordance with the development plan, subject to completion of a S106 Agreement for the terms as set out above.

10. RECOMMENDATION

That planning permission is GRANTED subject to the completion of a S106 Agreement in the terms as set out in paragraph 8.41 and the following conditions.

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

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

- 2) No development beyond the construction of foundations shall take place until

details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 3) The development shall be carried out strictly in accordance with the following approved plans – 051904-BEL-K-01C, 02C, 03B, 04B, 05B, 06, 07A, SS01A, SS02B, ss03B, T01, T02, T03, T04, T05, T06A, T07A, T08, T09, T10, T11; 051904-SEC01A, 02A; PO-2B-2S-TC-E1, E2, E3; PO-2B-2S-P1, P2; PO-2B-2S-TC-M-E2, PO-2B-2S-M-P1; SA-2B-2SC-TC-M-E1, SA-2B-2SC-M-P3, SAIL-2B-2SC-TC-E1, SAIL-2B-2SC-P3, SAIL-2B-2SC-TC-M-E1, SAIL-2B-2SC-M-P3; SAIV-2B-2SC-TC-M-E1, SAIV-2B-2SC-M-P3, BM-3B-2S-TC-E1, BM-3B-2S-P2, BM-3B-2S-TC-M-E1, BM-3B-2S-M-P2; TU-3B-2S-TC-E1, TU-3B-2S-TC-E2, TU-3B-2S-P1B, TU-3B-2S-TC-M-E1, TU-3B-2S-TC-M-E2, TU-3B-2S-M-P1B, TU-3B-2S-TC-M-E3, TU-3B-2S-M-P2; QU-3B-2S-TC-E1, QU-3B-2S-TC-E2, QU-3B-2S-P1; GI-4B-3S-TC-E1, GI-4B-3S-P2, GI-4B-3S-TC-E2, GI-4B-3S-P3; NOA-4S-TC01-E1, NOA-TC-1-P1, NOA-TC01-P2, NOA-TC01-P3; BSA-3S-TC01-E1, BSA-TC01-P1, BSA-TC01-P2, BSA-TC01-P3; ARA-3S-TC01-E1A, ARA-TC01-P1A, ARA-TC01-P2A, ARA-TC01-P3A; HAA-3S-TC01-E1A, HAA-TC01-P1A, HAA-TC01-P2A, HAA-TC01-P3A; WRA-3S-TC01-E1, WRA-TC01-P1, WRA-TC01-P2, WRA-TC01-P3, 051904-SH01, SH02, SH03

Reason: To accord with the terms of the application and in the interests of proper planning.

- 4) Notwithstanding the submitted details, no development shall take place beyond the construction of foundations until a scheme to mitigate the dwellings from noise impacts has been submitted to and approved in writing by the Local planning Authority. The scheme shall include a modelled sound plan and a detailed scheme of measures to mitigate noise both internally and within external amenity areas. Prior to the occupation of the dwellings, a Closure report to demonstrate that the measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to protect the reasonable operation of neighbouring commercial uses.

- 5) Before development commences, details shall be submitted to and approved in writing by the local planning authority for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To ensure suitable infrastructure and utility connections.

- 6) No development shall take place beyond the construction of foundations until a detailed scheme of hard landscaping works has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include –
- Details of the materials to be used for the hard surfaces within the development.

- Details of all fencing, walls and enclosures, which shall include secure gates and fencing to be installed to restrict access to parking spaces at the rear of units 75 and 76, provision of railings to enclose the car park area between units 1-11 and plot 29, and measures to restrict access to the area of land rear of plots 77-107.
- Details of the measures to restrict access to the cycle / footpath by unauthorised vehicles, and which should include measures to restrict access at each end of the path.
- Details of benches and bins to be provided within the open space.
- Provision of a heritage interpretation board within the open space to provide historical information on the former use of the site and surrounding area.

Reason: In the interests of visual amenity and crime prevention.

- 7) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway, other than as approved under this planning permission.

Reason: In the interests of visual amenity.

- 8) No development shall be commenced until details of existing and proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The details shall include cross-sectional drawings through the site and shall demonstrate how the site levels will be designed and managed at the site boundaries. The development shall be carried out in accordance with the approved details.

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

Construction

- 9) No development shall take place, including any works of demolition, until a Construction Method Statement and Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i the parking of vehicles of site operatives and visitors
 - ii loading and unloading of plant and materials.
 - iii Recording the condition of the immediate local highway prior to commencement, and measures to make good any damage attributed to construction traffic
 - iv storage of plant and materials used in constructing the development.
 - v the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi wheel washing facilities
 - vii measures to control the emission of dust and dirt during construction.
 - viii a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - iv Routing and timing of construction traffic

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

- 10) Construction of the development shall take place in strict accordance with the measures identified in Sections 5.5, 5.6 and 5.7 of the Report to Inform a Habitats Regulations Assessment and Appropriate Assessment by Aspect Ecology dated December 2020.

Reason: To ensure that wildlife and ecologically important species are protected during construction.

Highways

- 11) No dwellings on the development hereby permitted shall be occupied until a contract has been let to undertake highway improvement works to Key Street roundabout in accordance with the HIF-funded scheme (or as otherwise amended) to be delivered by Kent County Council.

Reason: To improve the capacity and operation of the Key Street roundabout in order to accommodate development growth, in the interests of highways safety.

- 12) No dwellings on the development hereby permitted shall be occupied until the opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 (or scheme to the same effect that may be agreed in writing by the local planning authority who shall consult Highways England).

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

- 13) No development beyond the construction of foundations shall take place until a detailed scheme of improvements to Crown Quay Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a footway, landscaping and tree planting and provision of parking bays, as generally shown on the off-site works drawing 14121-H-04 Rev P1. The approved scheme shall be completed prior to first occupation of the dwellings hereby permitted.

Reason: In the interests of highways safety and to improve the road environment in accordance with the Local Plan.

- 14) Prior to first occupation of the dwellings hereby permitted the developer shall submit a Traffic Regulation Order application to secure a package of suitable traffic restrictions for the roads within the development hereby approved and on Crown Quay Lane.

Reason: To minimise anti-social parking in the interest of local residential amenity.

- 15) Prior to the occupation of the dwellings hereby approved, the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, 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 constructed and laid out in a satisfactory manner, in the interest of Highway Safety

- 16) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, 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.

- 17) The areas shown on the approved plan for car parking (including visitor spaces) shall be provided, surfaced and drained prior to first occupation of the dwellings and kept available for such use at all times. No external alterations to the car ports or any other 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 the land so shown or in such 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.

- 18) No dwelling shall be occupied until a detailed scheme for electric vehicle charging has been submitted to and approved in writing by the Local Planning Authority, and such scheme shall include -
- a) Active electric vehicle charging points to be provided for individual dwellings as identified on the supporting planning layout drawing.
 - b) A minimum of two active electric vehicle charging points to be provided within the visitor parking spaces.
 - c) A minimum of four active electric vehicle charging points to be provided within the unallocated resident parking spaces, and details of passive charging provision for remaining unallocated resident parking spaces.
 - d) A strategy for the operation, management and maintenance of any charge points that are not within a private dwelling plot.

The scheme shall include details of the charge point specification, which shall be designed to utilise best available technology. No dwelling shall be occupied until the electric vehicle charging point for that dwelling or building has been installed in accordance with the approved details.

- 19) No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the approved plans for cycles to be securely parked.

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.

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

Reason: In the interests of highway safety.

Sustainability and Air Quality

- 21) The dwellings hereby approved in shall be constructed and tested to achieve the following measure:

At least a 20% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended).

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 22) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNO_x/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: In the interests of minimizing air quality impacts.

- 23) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied until details of the measures used to achieve the rate for that unit(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce demands on water consumption within a water stressed area.

Flooding, Drainage and Contamination

- 24) The development shall be carried out in accordance with the submitted flood risk assessment (ref 70049200, dated December 2019) and the following mitigation measures it details:

- Minimum finished floor levels of living units: 6.05m AOD
- Minimum finished floor levels of sleeping units: 6.35m AOD.

Reason To reduce the risk of flooding to the proposed development and future occupants.

- 25) No development approved by this permission shall be commenced prior to a contaminated land assessment and remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby

permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1) A further phase II investigation in areas that were not accessible during the initial phase II investigation, including further gas monitoring and gas risk assessment which is also prescribed in the initial Phase II Contaminated Land report.
- 2) An updated Phase II Contaminated Land report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
- 3) The results of the site investigation and the detailed risk assessment referred to in (1) and (2) 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.
- 4) 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 (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved. Part 1 and Part 2 for this condition were met by the abovementioned Phase 1 and Phase 2 reports.

Reason: To ensure that any contaminated land is adequately dealt with and that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 26) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation 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.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 27) The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

- 28) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 29) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 30) The development hereby permitted shall not commence 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 Flood Risk Assessment by WSP submitted with the application, 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 [within the curtilage of the site] 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.

- 31) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; full

as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 32) No development shall be commenced until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure suitable provision of foul drainage infrastructure

Landscaping and Ecology

- 33) No development shall take place (including any ground works, site or vegetation clearance) until a method statement for biodiversity 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 including any required updated surveys;
 - c) Measures for the protection of existing habitats and ecological features as shown on the Habitats and Ecological Features Plan by Aspect Ecology dated April 2021.
 - d) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
 - e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - f) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
 - g) Use of protective fences, exclusion barriers and warning signs;
 - h) Initial aftercare and long-term maintenance (where relevant); and,
 - i) Disposal of any wastes for implementing work.

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

Reason: In the interests of biodiversity

- 34) No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site and incorporating the measures to achieve a Biodiversity Net Gain as set out in the Technical Briefing Note by Aspect Ecology dated 30/04/21, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;

- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Details of initial aftercare and long-term maintenance;
- h) Details for monitoring and remedial measures; and,
- i) Details for disposal of any wastes arising from works (where relevant).

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

Reason: In the interests of biodiversity

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

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

Reason: In the interests of biodiversity

- 35) No development beyond the construction of foundations shall take place until full details of 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, and an implementation programme. The details shall include a scheme of landscaping on the land to the rear of units 77-107 which shall be designed to provide a landscaped buffer to the adjacent commercial use, and details of the use of species to deter access between private and public spaces.

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

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

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

- 37) Upon completion of the approved landscaping scheme (other than for the areas of public space and communal landscaping), 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.

- 38) No development beyond the construction of foundations shall take place until details of external lighting for the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with recommendations from the Bat Conservation trust and the Institute of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and crime prevention

INFORMATIVES

- 1) The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the EA National Customer Contact Centre on 03702 422 549.

- 2) All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- 3) 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.
- 4) 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>

- 5) 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.

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.

