

DEF ITEM 2 REFERENCE NO - 21/501740/FULL		
APPLICATION PROPOSAL		
Erection of a nurse accommodation building, car park and outdoor event space for Demelza. Erection of 30 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.		
ADDRESS Land At Hill Farm Rook Lane Keycol Hill Bobbing Kent		
RECOMMENDATION Grant, subject to the completion of a S.106 agreement to secure the scheme as enabling development associated with Demelza Hospice, SAMMS payment of £253.83 per dwelling, Air Quality Damage Cost of £20,995 and mitigation measures, Kent County Council Contributions of £150,511, NHS CCG contribution of £11,232 and highways improvements as set out in the relevant drawings with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
<p>Whilst the development is on land that has been specifically excluded from the Local Plan site allocations and is outside the built-up area boundaries, there is an extant consent for the erection of 20 dwellings (18/500258/FULL) as enabling development to fund the Demelza House hospice facilities, which is a material consideration in the determination of this application, and therefore it is considered that the principle of development has been established through this extant consent</p> <p>It has been demonstrated through the application that the additional development is the minimum level required to provide a viable scheme (to ensure the enabling development is brought forward), and the revised development proposals would provide funding towards enhanced facilities at, and the continued functioning of, Demelza House hospice.</p> <p>The application is therefore considered to be acceptable only in as much as it is an enabling development towards a valuable community facility.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Called in by Councillor Clark; and Councillor Woodford; Parish Council objections; recommendation not in accordance with the Local Plan policy, requires Member determination		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Esquire Developments & Demelza Hospice Care For Children AGENT DHA Planning
DECISION DUE DATE 29/07/21		PUBLICITY EXPIRY DATE 23/09/21

1. BACKGROUND

- 1.1 The application was first reported to Planning Committee on 14th October 2021. During the meeting, upon being put to the vote, the motion to approve the application was lost. As a result of the above, the Head of Planning Services called-in the application and deferred the matter to a future meeting. For clarity, the following was resolved:
- 1.2 *“That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee.”*

- 1.3 The original committee report from the 14th October Planning Committee has been included at Appendix 1, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme. The viability report attached as an appendix to the committee report has been included at Appendix 2. The 14th October tabled update is included at Appendix 3.
- 1.4 Further comments have been sought from the Environmental Health Officer and a copy of these are included at Appendix 4.
- 1.5 The applicant has provided further information in response to the Planning Committee discussion on 14th October which is included at Appendix 5. A letter has been provided from Demelza as supporting information, and this is also included at Appendix 5.
- 1.6 The form that this supplementary report will take will be to provide further detail in relation to potential reasons for refusal, and advise Members on the possible implications of refusing the application.

1.7 Appendix List

Appendix 1: 14th October Committee Report (Item 2.7)

Appendix 2: Pathfinder Viability Report

Appendix 3: Item 2.7 Tabled Update (14th October Committee)

Appendix 4: Environmental Health Comments (dated 19/11/21)

Appendix 5: Supporting Information by Esquire Development and Demelza (26th November 2021)

Appendix 6: KCC Archaeology Comments (dated 25/10/21)

- 1.8 There was also an error in the previous committee report at Para 7.7 which set out the requested primary education contribution was £16,800 per house. However, it should have been £6800 per house and read: *“Primary Education - £6800 per house (total £204,00 towards a new 2FE Primary School construction in Sittingbourne)”*.

2. **EXTANT PERMISSION - 18/500258/FULL**

- 2.1 The 14th October committee report at Appendix 1 sets out that the application site benefits from extant planning permission under application reference 18/500258/FULL “The provision of a 3 unit accommodation building, car park and outdoor event space, the erection of 20 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.”
- 2.2 The application consented under reference 18/500258/FULL included the standard 3 year time limit condition to implement the planning consent and this time period was noted to end on 07/11/21. Therefore, it needs to be considered whether application 18/500258/FULL remains an extant planning permission as this is a material consideration in the determination of the current application.
- 2.3 In order to lawfully ‘commence’ development it is necessary to satisfy the legal requirements in section 56(4) of the Town and Country Planning Act 1990. This says

that “*development is taken to be begun on the earliest date on which a material operation is carried out*”. A material operation can include any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land.

- 2.4 The Council have received information from Esquire Development (on 04/11/21) setting out that planning application Ref: 18/500258/FULL, Land at Hill Farm Bobbing has commenced and been lawfully implemented through the laying of foundations on Tuesday 02/11/21, noting the works are limited to the installation of a section of foundation for the Demelza nurses unit with further works now ceasing pending the outcome of the amended application. The information was supported by photographs showing the section of foundations for Demelza nurses unit. A site visit was made by the case officer on 18/11/21 and it was evident that there has been development activity at the location of the approved Demelza nurses unit, which corresponds with the information provided by the applicant. The foundations that were laid have been covered with a layer of soil, and there was excavated soil situated within the application site.
- 2.5 Furthermore, the relevant pre-commencement conditions associated with 18/500258/FULL have been formally approved under the following consents: 21/502151/SUB; 21/502273/FULL; 25/502274/SUB.
- 2.6 Therefore, taking into account the above it is considered that the permission under 18/500258/FULL has been lawfully commenced and remains an extant permission.

3. APPRAISAL

- 3.1 The Planning Committee Minutes from 14th October notes there was some discussion on the reasons for potentially refusing the application. This discussion included concerns regarding:
- *Inadequate mitigation for the harm arising from this development, including a lack of Section 106 payments (such as KCC Education and KCC Highway) and infrastructure contributions;*
 - *likely harmful impact on human health from air pollution;*
 - *over-intensification of development for the character of the area*

These areas will be explored in the report below.

Infrastructure, Mitigation and Developer Contributions

- 3.2 Additional information has been provided by the applicant regarding developer contributions offered as part of the application. They have undertaken design reviews with Demelza to review the internal specifications of the proposed development to determine whether any cost savings could be generated (such as revised kitchen appliance specification and sanitaryware suppliers as examples) for both the nurses accommodation and the residential units. As part of this exercise, a revised S.106 offer is put forward to provide a contribution value equivalent to the requests for the additional 10no. dwellings, which amounts to approx. £161,743.

As such, the applicant have proposed a revised contribution offer from this scheme (without prejudice) as follows;

- Air Quality Mitigation - £20,995
- SAMMS - £7,615
- KCC (including Education, Libraries, Youth etc) - £150,511
- NHS - £11,232

- 3.3 This would total a S.106 contribution of **£190,353** and would represent the value of requested contributions for the additional 10 dwellings sought under this application. This would result in an additional contribution of £161,743 in comparison to the previous offer in the committee report outlined in Appendix 1.
- 3.4 It is important to note that the extant scheme under reference 18/500258/FULL only secured a SAMMS contribution. On review of the consultation responses as part of this application KCC Economic Development waived their contribution request and there were no other requested financial contributions other than the SAMMS payment which was secured under the S.106 agreement. The extant scheme is a material consideration in the determination of this application.
- 3.5 Taking into account the above, the revised developer contributions would mitigate the impact of the additional 10 dwellings sought under this application. It would also secure developer contributions to the mitigate the air quality impact for 30 dwellings, and SAMMS payment for 30 dwellings. Therefore, this is considered to be an appropriate and balanced response to mitigate the additional impacts of development from the additional 10 dwellings proposed, whilst ensuring the scheme brings forward the benefits to Demelza.
- 3.6 Notwithstanding the additional contributions above, and further to paragraphs 8.7-8.12 of the original committee report, members should note that the viability assessment provided by the applicants has been independently verified by the Council's appointed consultant and accepted. The viability assessment is clear that 30 dwellings are required to deliver a viable scheme, and that it was not viable to provide the full amount of contributions requested by consultees. Therefore, this would be a difficult reason to defend on appeal, particularly given the updated offer to cover the S.106 costs related to the additional 10 dwellings beyond the extant permission for 20 dwellings with no S.106 provision being agreed. Attempting to defend a refusal on the basis at appeal could potentially incur costs as being considered unreasonable behaviour, although the costs involved would likely not be substantial.

Air Pollution and Human Health

- 3.7 The Environmental Health Officer has provided additional comments, expanding on the consultation comments set out in para 7.13 and appraisal regarding air quality impact on para 8.48-8.51 of the 14th October committee report. The comments further explain why a reason for refusal is not supported, and is included at Appendix 4.
- 3.8 The further comments set out that the Environmental Protection Team did not object to this application on air quality grounds due to the development site alone showing negligible impacts, and proportionally being significantly smaller when compared to the

Rainham development sites (Medway area), as shown in the amended air quality assessment.

- 3.9 As previously noted, the air quality impacts are negligible for this development site. This is different to the Gladman's case (15/500671/OUT) which was for a larger development with identified 'moderately adverse' air quality impacts. Another material difference to the Gladman's case is that the Environmental Protection team cannot prove that air quality and human health would suffer if this amended proposal were to go ahead. A recommendation for refusal on air quality grounds was not made as it was considered that there is insufficient reason for refusal that could be justified if an Appeal against the Decision were made.
- 3.10 The damage cost for the application has been identified at an amount of £20,995. The Environmental Health Officer initially considered this could be used as part of a pooled contribution, however they advise that if members do not consider a pooled contribution is an adequate approach, it is recommended the applicant provides a specific mitigation option for the £20,995 damage cost. This could be one of the measures included in the applicant's AQA (listed below in italics) or the applicant should consider other measures. These would need to be agreed with the Environmental Protection Team and conditioned as part of the application, or could be secured and specified within the S.106 agreement.
- 3.11 The amended AQA by Lustre Consulting Limited states the following standard measures will be included (not included in the damage cost):
- *All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh*
 - *1 Electric Vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking). EV charging technology should be the best available technology at the time of planning approval. More detail is provided in Appendix A of the AQA in relation to the installation of EV charging points.*
- 3.12 The amended AQA also provides a suggestion of mitigation measures that could be considered:
- *Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies*
 - *A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers such as the use of buses along the High Street and the local railway station.*
 - *Car club provision, preferential parking within development and weighting given to local car eV car clubs or new/improved bus service, possibly as pooled contribution with other committed developments in the area and/or working together with Medway Council. This will require a strategic approach with Swale and other developers working in the area.*
 - *Designation of parking spaces for low emission vehicles together with public use plug in charge points. This should form part of the national electric vehicle network.*
 - *Using green infrastructure, in particular trees to absorb dust and other pollutants should form part of the wider landscaping of the development.*

- *Working with Swale environmental protection and local planning to identify suitable NOx and PM abatement measures off-site, within close vicinity to the development and/or receptors that are more likely to be impacted due to cumulative impacts modelled. This includes, where feasible, application of emerging best available technology not entailing excessive cost.*
- 3.13 Taking into account the above, which sets out there would be a negligible impact on air quality, and that mitigation measures can be secured by either a S.106 agreement or condition, a reason for refusal on air quality impact is not recommended to be pursued. This matter has also been discussed with the Council's legal officer, who has advised that as the damage cost is being secured via the S.106 agreement, the mitigation measures should also be specified within the S.106 agreement (rather than via condition).
- 3.14 In terms of the cost implications at appeal, consideration should be given to the findings of the Wises Lane appeal (17/505711/HYBRID & APP/V2255/W/19/323360) and the cost decision in which part costs were awarded. The main areas of the Council's case that attracted criticism or received little weight from the Inspector were those elements that are more technical rather than subjective in nature. For example in the Wises Lane case this related to highways modelling, air quality impacts and ecology reasons for refusal. This highlights that if the Council is minded to refuse applications on such technical grounds and against advice from key consultees, it should carefully consider the ramifications of doing this if it has no alternative robust modelling, data or assessments to support refusal.
- 3.15 In this instance, it is considered a reason for refusal would be difficult to sustain at appeal, and an award of costs is likely noting the consultation comments of Environmental Health Officer, and in the absence of any evidence to the contrary from Committee. Such costs could be substantial given the technical nature of the evidence required to support such a reason for refusal.

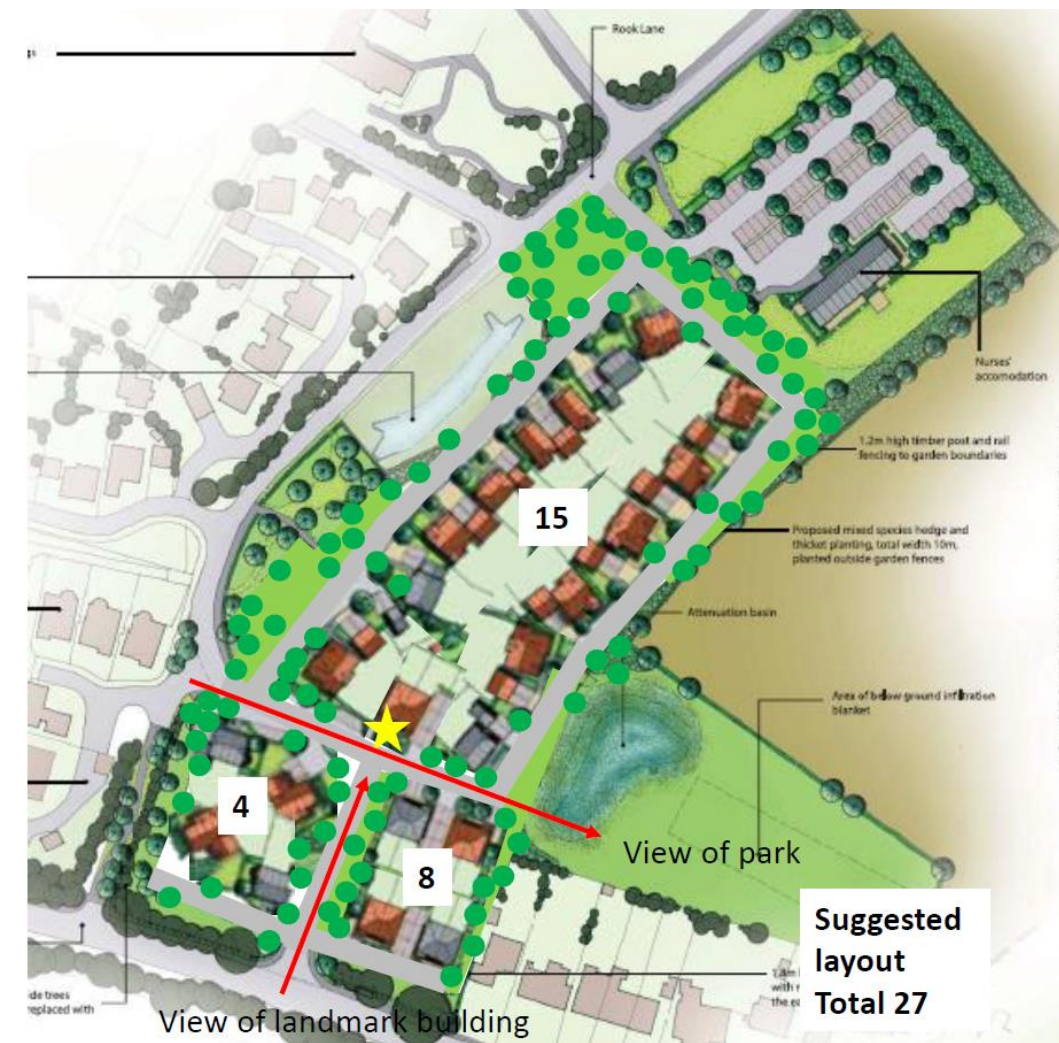
Visual Amenity and Character of the Area

- 3.16 One of the areas of concern raised by members was that proposal was an over-intensification of development for the character of the area.
- 3.17 An appraisal of the layout, design and housing mix was set out in paras 8.17-8.25 of the 14th October committee report. The report sets out that the proposals would have a density of approximately 15 dwellings per hectare, and that the extant scheme has a density of approximately 11 dwellings per hectare. Looking at the density of nearby developments, the dwellings at Rooks View has a density of approximately 15 dwellings per hectare, and the development at Robins Close has a density of approximately 20 dwellings per hectare. As such, it is not considered that the proposed development would be an overly dense or intensified form of development noting the existing density of dwellings on the opposite side of Rook Lane.
- 3.18 Furthermore, in comparison to the extant scheme for 20 dwellings, whilst the number of units in the proposed development would increase by 50% (additional 10 units), the floorspace would only modestly increase by approximately 18%. This is because the previous scheme included the provision of large 3/4 bedrooms dwellings within spacious

plots, whereas the current proposal provides a broader housing mix comprising 2-5 bedroom dwellings with smaller footprints.

3.19 It is important to note that the viability assessment set out that 30 market dwellings was the minimum number of dwellings required to make a scheme viable. If the number of units are reduced further, then there is a concern that the scheme would become unviable and would not be implemented, and thus the benefits to Demelza would not be secured.

3.20 As set out previously, the Urban Design Officer has raised concerns regarding the orientation of dwellings within the site and set out that the dwellings should front onto either Keycol Hill, Rook Lane or the open countryside, rather than the largely inward facing layout proposed. The Urban Design Officer has provided a suggested layout which would broadly address these comments which is included below. The Urban Design Officer is confident that 30 dwellings can be achieved within the layout suggested below as it is dependant on the size of units used (note that the suggested layout is illustrative and not drawn to scale).



- 3.21 If Members pursued a reason for refusal on visual amenity grounds or impact upon the character of the area, clear reasons would need to be identified which set out where the harm derives from; or provide clear differentiation between the current proposal and extant scheme which results in a reason for refusal.

Demelza Benefits

- 3.22 Demelza Kent is suffering from a continued shortage of nearby nursing and care staff and is finding it extremely difficult to attract and recruit suitable and well-trained staff. Demelza is trying to address this nursing shortage through supporting newly-qualified nurses in partnership with Canterbury College and others and through recruiting from abroad. However, without being able to offer staff accommodation, recruitment will always remain a very difficult issue for Demelza. As such, the provision of nurse accommodation will be a long-term benefit to the Hospice to help attract and retain staff, and increase the level of employment locally.
- 3.23 In addition to the lack of accommodation for staff, the parking provision and outdoor event space is severely limited. Overtime, the work of Demelza Kent has grown whilst, development has been piecemeal - there is a lack of space available for outdoor events/activities and parking is spread throughout site and along Rook Lane. The existing parking provision is not suitable or sufficient for Demelza's existing needs and certainly not for future needs. The limited parking, combined with the lack of outdoor event space restricts both the charity's ability to take an active role in the Swale community and its opportunity to raise awareness of the wide range of services a children's hospice offers. For example, at the charity's annual Community Fun Day on 24th September 2017, cars had to park along Rook Lane because the car park was at capacity, and the charity had to strictly control the number of visitors and close much of the hospice so as not to impact on the care provided.
- 3.24 The provision of staff accommodation would enable Demelza to recruit much needed care staff and provide full time workers with living facilities.
- 3.25 The increase in parking provision would help to meet the existing and future parking needs of the site, and therefore reduce the number of cars which overspill onto Rook Lane. Likewise, the surface material and location of the proposed car parking would make it accessible and easier for wheelchair users in comparison to the existing plastic gridding and gravel surface.
- 3.26 The outdoor area for events space would enable the charity to hold more events and involve the local community and make the hospice itself the hub of fundraising activities.
- 3.27 As demonstrated above, the benefits to Demelza include the provision of nurse accommodation which will help attract and retain staff, and will also help ensure that the long-term operation of the hospice is sustained. Demelza's needs very much remain today, and it has been clearly established through the grant of the extant planning permission on site that the proposed facilities are needed, reasonable and necessary.

Other

- 3.28 The extant planning application did not include any conditions relating to archaeology. At the committee meeting, one of the concerns raised by Members was the presence of

archaeology within the Newington/Bobbing area and noted the lack of archaeology consideration or conditions. KCC Archaeology have provided comments which sets out that the principle of development has already been established on this site with a former permission granted for nursing accommodation together with enabling development comprising residential dwellings. The archaeological officer has taken that as context for the advice, and has referred to the general archaeological potential of the area, the specific potential for remains of First World War defences of the Chatham Land Front and the potential impacts of development. KCC Archaeology raise no objection, and have requested three conditions which are included at conditions 42, 43 and 44 and the conditions address the following;

42) secure assessment, survey, evaluation and mitigation of the impacts of development on archaeology including remains of the Chatham Land Front; and

43) if significant remains are found to ensure agreement on appropriate preservation measures; and

44) to secure an appropriate scheme of interpretation of the site's archaeology and history, and in particular the Chatham Land Front

A full copy of KCC Archaeology comments is included at Appendix 6.

4. CONCLUSION

- 4.1 On the basis of the above reasoning, in the event that the Planning Committee was minded to refuse the scheme due to the lack of developer contributions to mitigate the impacts of development, or on air quality grounds, I consider there would be a high likelihood that such a refusal would not be credible at appeal. This is based on the fact that the Planning Committee has no technical evidence to support a refusal, and the S.106 offer includes contributions to mitigate the additional 10 dwellings over and above the extant planning permission. In my opinion there would be a high risk of costs being awarded against the Council at an appeal in such a scenario.
- 4.2 With regard to the impact on the character of the area or visual amenity, officers have set out that the proposals would not be overly dense or intense for the character of the area. Whilst this matter is more subjective than the technical evidence relating to air quality or developer contributions, Members would need to very clear and provide robust and detailed reasoning setting out what the harm would be.
- 4.3 Officers consider that the enabling development will provide clear benefits to Demelza through the provision of nurse accommodation to retain / recruit sufficient staff, and to be able to continue its service provision long-term with the additional car parking and outdoor event space.
- 4.4 The extant planning permission is a material planning consideration in the determination of this application as the principle of development has been established. The proposed scheme would accrue other benefits including the provision of additional housing numbers towards the overall supply, a wider mix of family homes to meet the needs of local residents, significant highway improvements to both existing and future residents, and economic benefits during construction by way of local employment opportunities.
- 4.5 The level of developer contributions has been increased to **£190,353** (additional contribution of £161,743 compared to the level of developer contributions within the 14th

October committee report) to mitigate the impact of the additional 10 dwellings sought under this application. It would also secure developer contributions to mitigate the air quality impact for 30 dwellings, and SAMMS payment for 30 dwellings. Therefore, officers consider the proposals to be an appropriate and balanced response to mitigate the additional impacts of development from the additional 10 dwellings proposed, whilst ensuring the scheme brings forward the benefits to Demelza.

- 4.6 As such, it is recommended that planning permission is granted, subject to the completion of a S.106 agreement to secure the scheme as enabling development associated with Demelza Hospice, SAMMS payment of £253.83 per dwelling, Air Quality Damage Cost of £20,995, Kent County Council Contributions of £150,511, NHS CCG contribution of £11,232 and highways improvements as set out in the relevant drawings.

5. RECOMMENDATION

- 5.1 GRANT Subject to the following conditions and to the completion of a S.106 agreement to secure the scheme as enabling development associated with Demelza Hospice, SAMMS payment of £253.83 per dwelling, Air Quality Damage Cost of £20,995 and mitigation measures, Kent County Council Contributions of £150,511, NHS CCG contribution of £11,232 and highways improvements as set out in the relevant drawings. With delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.

CONDITIONS to include

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings:

Site Location Plan, drawing no. 30021A/01 Rev A
 Block Plan, drawing no. 30021A/02 Rev A
 Proposed Site Layout Plan, drawing no. 30021A/10 Rev C
 Proposed Site Layout Plan, drawing no. 30021A/11 Rev C
 Proposed Site Plan/Fire Strategy Plan, , drawing no. 30021A/12 Rev C
 Proposed Site Plan/Refuse Collection Strategy Plan, , drawing no. 30021A/13 Rev C
 Proposed Site Plan/Parking Strategy Plan, drawing no. 30021A/14 Rev C
 Proposed Site Plan/Housing Mix and Tenure, drawing no. 30021A/15 Rev C
 Proposed Site Plan/Movement Strategy Plan, drawing no. 30021A/16 Rev C
 Proposed Site Plan/Boundary Treatment Plan, drawing no. 30021A/17 Rev C
 Proposed Floor Plans and Elevations Plots 1 and 2, drawing no.30021A / 30
 Proposed Floor Plans and Elevations Plots 3 and 4, drawing no.30021A / 31
 Proposed Floor Plans and Elevations Plots 5, 13 and 16, drawing no.30021A / 32 Rev A
 Proposed Floor Plans and Elevations Plots 6 and 7, drawing no.30021A / 33 Rev A
 Proposed Floor Plans and Elevations Plots 8 and 25, drawing no.30021A / 34 Rev A

Proposed Floor Plans and Elevations Plots 9 and 23, drawing no.30021A / 35
 Proposed Floor Plans and Elevations Plots 14, 15 and 28, drawing no.30021A / 37
 Proposed Floor Plans and Elevations Plots 10, 12, 21 and 24, drawing no. 30021A / 36 Rev B
 Proposed Floor Plans and Elevations Plots 17 and 26, drawing no. 30021A / 38 A
 Proposed Floor Plans and Elevations Plots 18 and 19, drawing no. 30021A / 39 Rev B
 Proposed Floor Plans and Elevations Plot 20, drawing no. 30021A / 40 Rev A
 Proposed Floor Plans and Elevations Plot 27, drawing no. 30021A / 41
 Proposed Floor Plans and Elevations Plot 29 and 30, drawing no. 30021A 42
 Nurse Accommodation Proposed Plan and Elevation, drawing no. 30021A 43
 Proposed Floor Plans and Elevations Plot 11, drawing no. 30021A / 45
 Proposed Plans and Elevations Double Car Port, drawing no. 30021A / 46
 Proposed Plans and Elevations Single Car Port, drawing no. 30021A / 47
 Proposed Floor Plans and Elevations Plot 22, drawing no. 30021A / 48
 Proposed Street Elevation, drawing no. 30021A / 50 Rev A
 Proposed Access Plan, drawing no. ; 15326-H-01 Revision P6
 Highways Adoption Plan, drawing no. 15325-H-03
 Landscape Proposals, drawing no. JEC/619/100 Rev A

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

Pre-Commencement Conditions

- 3) The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 4) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Local Planning Authority shall consult with National Highways and Kent County Council. 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) routing and timing of construction traffic
 - (v) wheel washing facilities

Reason: In the interests of the amenities of the area and highway safety and convenience and to ensure that the M2 and A249 Trunk Road 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.

- 5) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This 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 erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iii) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (iv) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (v) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (vi) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
- (vii) Phasing of the development

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

- 6) The developer must advise the Local Planning Authority of the measures which will be undertaken to divert the public sewers and water mains, prior to the commencement of the development.

Reason: To ensure suitable measures are in place to divert public sewers and water mains.

- 7) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment undertaken by DHA (March 2021) 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. These details and accompanying calculations are required prior to the commencement of the development as they

form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 8) No development shall take place until an Ecological Mitigation Strategy has been submitted to and approved in writing by the local planning authority. It shall include the following information;
- Updated Preliminary Ecological Appraisal – if surveys submitted with planning application over 1 year old.
 - Recommended species surveys
 - Overview of mitigation required
 - Detailed methodology to implement mitigation.
 - Timing of the proposed works
 - Details of who will carry them out.

The plan must be implemented as approved.

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

Reason: In the interests of protecting ecology

- 9) No development shall take place until details of the measures to be undertaken to secure compliance with at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) have been submitted to and approved in writing by the local planning authority. The dwelling(s) hereby approved shall be constructed and tested to achieve the following measure of at least a 50% reduction. The development shall be carried out in accordance with the approved details.

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

Ecology and Biodiversity

- 10) Prior to any habitat creation works commencing on site a habitat creation plan and ecological enhancement plan must be submitted to and approved in writing by the local planning authority. It shall include the following information;
- Overview of the habitats to be created
 - Detailed methodology of how the habitat will be created/established within the site
 - Interim management plan until the management plan required as part of condition X is implemented.
 - Details of ecological enhancements features to be incorporated into the open space and built features.

The habitat creation plan and ecological enhancement plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of protecting ecology and habitat creation

- 11) No occupation of the development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. It shall include the following information;

- Overview of the habitats to be managed
- Details of the management required for each habitat
- Timetable to implement the management requirements – capable of being a rolling 5 year management plan
- Details of any habitat and species monitoring
- Details of when the management plan will be reviewed.
- Details of who will be implementing the management and how it will be funded.

The plan must be implemented as approved.

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

Reason: In the interests of protecting ecology

- 12) No external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
 - Details of the number, location and height of the lighting columns or other fixtures.
 - The type, number, mounting height and alignment of the luminaries
 - The beam angles and upwards waste light ratio for each light.
 - Lighting design strategy for biodiversity (taking into account Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- 13) The development shall take place in accordance with the details of the Tree Protection Plan (drawing no. TPP-01) and Arboricultural Method Statements and arboricultural supervision within the Arboricultural Report (dated 17th March 2021, amendment dated 26th July 2021), and in accordance with the current edition of BS 5837 Trees in Relation to Design, Demolition and Construction. All trees to be retained must be protected by barriers and/or ground protection.

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

- 14) No development beyond the construction of foundations shall take place until full details of both hard landscaping/surfacing and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of any existing and proposed trees, shrubs and other 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, hard surfacing materials, an implementation programme, and details of long-term management. The long-term management details shall include the communal amenity landscape areas, event space area, landscape buffer outside the residential gardens along the northern and eastern boundaries, and drainage areas. 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

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

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

Water, Drainage and Contamination

- 16) 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.

- 17) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 18) 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.

- 19) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 20) Piling or the use of penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 21) Details setting out measures to ensure the protection of ground water (including public water supply sources) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To protect public underground water supply sources, and vulnerable groundwater resources.

Highways

- 22) No dwelling hereby approved shall be occupied until the existing Rook Lane junction with the A2 has been closed to vehicular traffic in a manner to be agreed in writing by the Local Planning Authority, and the proposed new access route onto the A2 and associated speed limit extension as shown on drawing 15326-H-01 Revision P6 has been completed and opened to use for the public.

Reason: In the interests of highway safety and convenience.

- 23) The areas shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the associated use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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 shall be occupied until full details of the electric vehicle charging have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented for each house before the dwelling in question is first occupied. All Electric Vehicle chargers must be provided to Mode 3 standard (providing a minimum of 7kw). 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>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

- 25) No dwelling shall be occupied or the approved use commenced until space has been laid out for cycles to be securely sheltered and stored for that dwelling within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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.

- 26) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 27) 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.

- 28) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

- 29) 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.

- 30) No dwelling hereby approved shall be occupied until the revised bus stop position and associated shelter indicated on drawing 15326-H-01 Revision P6 has been provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and of encouraging sustainable modes of transport.

- 31) The development hereby approved shall not be occupied until an application has been made for a Traffic Regulation Order to provide the waiting restrictions shown on drawing 15326-H-01 Revision P6 and the scheme implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of highway safety and amenity.

- 32) All events shall be carried out in accordance with the approved Event Management Plan (dated November 2019) unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

Reason: To ensure that events do not result in avoidable congestion on the A249 Trunk Road and to ensure that the A249 Trunk Road continues 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.

- 33) The external event space (as shown on drawing 30021A/11 Rev C) shall not be used for more than 10 events in any year unless otherwise agreed in writing by the Local Planning Authority. All Events shall be monitored and evaluated at the end of each calendar year and the Event Management Plan shall be updated accordingly and submitted to and agreed in writing by the Local Planning Authority (who shall consult with National Highways) . The updated Events Management Plan shall be submitted no later than two months after the end of the previous calendar year.

Reason: To ensure that events do not result in avoidable congestion on the A249 Trunk Road and to ensure that the A249 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety, and in the interest of local amenity.

Other

- 34) 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.

- 35) Notwithstanding the details on drawing no. 30021A/17 Rev C no development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks and of gaps to allow hedgehogs to pass through the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in

accordance with the approved details and in accordance with a programme that shall have been agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- 36) No development above ground level shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

- 37) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 38) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 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.

- 39) 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 on any other day except between the following times :- Monday to Friday 0900 - 1700 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.

- 40) Before the first occupation of the dwellings hereby permitted the window at first floor level on the eastern side elevation of Plot 4 (as shown on drawing no. 30021A / 31 shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 41) If during construction/demolition works evidence of potential contamination is encountered which was not previously identified, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. It is prudent as recommended that a watching brief is carried out by a qualified or experienced person on site throughout the works for identifying signs of potential contamination. Upon completion of the

building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of; a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with

- 42) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 43) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason : To ensure that due regard is had to the preservation in situ of important archaeological remains.

- 44) No occupation of any building shall take place until a scheme of historical interpretation has been submitted to and approved in writing by, the Local Planning Authority. Examples of how to relay and interpret the archaeology and history of the site can include, but are not limited to, the use of materials, landscaping, public art and the provision of historical interpretation boards. The details submitted pursuant to this condition shall include location, design, dimensions and materials of any fixed interpretation. The interpretation scheme shall be carried out in full accordance with the approved details prior to the first occupation of any new dwelling and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness in accordance with the objectives of the National Planning Policy Framework

INFORMATIVES

National Highways

The Construction Management Plan MP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the

development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Southern Water

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

KCC PROW

No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.

KCC Highways

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>

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.

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

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

The Council's approach to the application

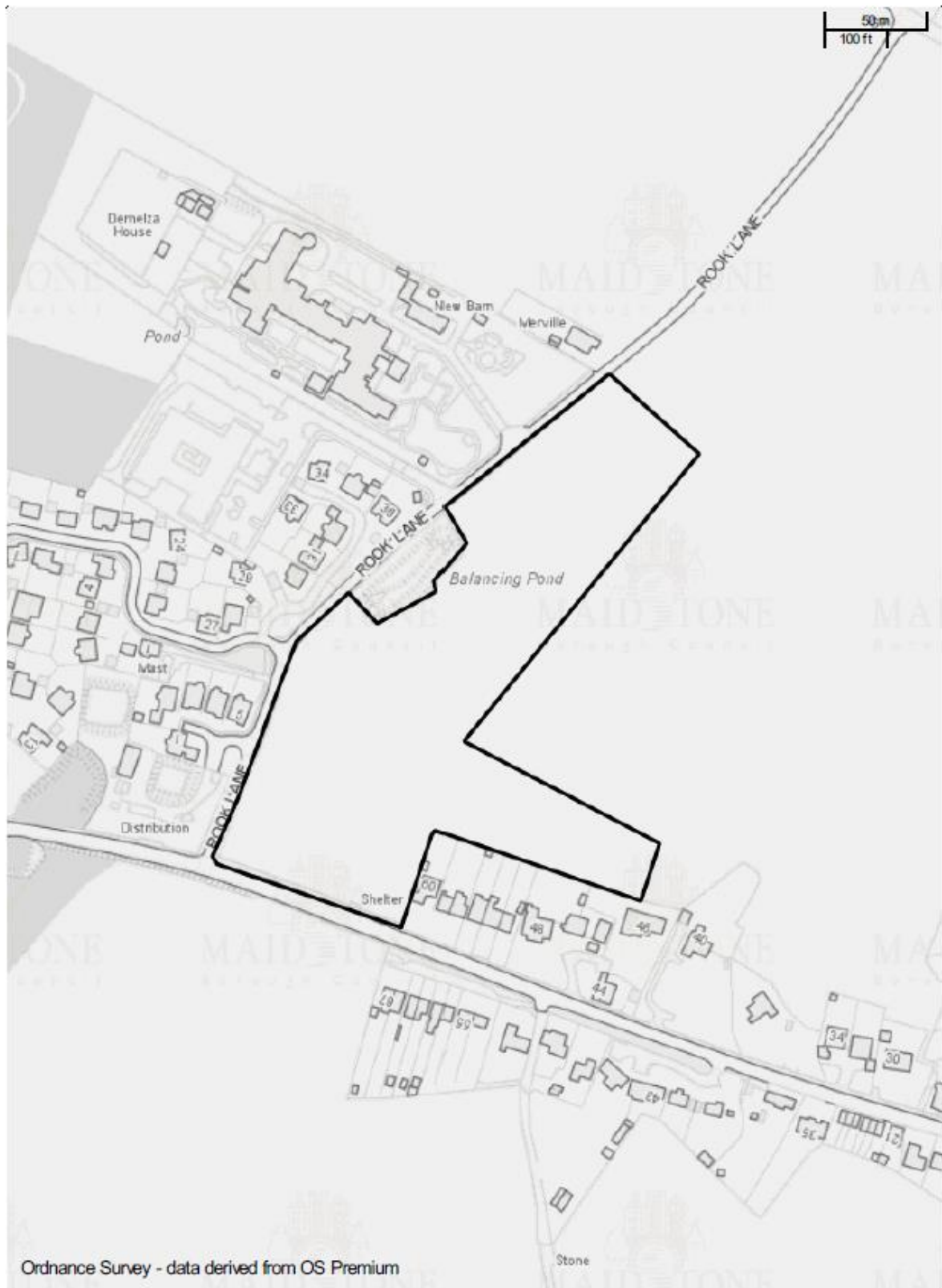
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where 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.



Ordnance Survey - data derived from OS Premium

21/501740/FULL - Land at Rook Lane Keycol Hill Bobbing
Scale: 1:2501

