

2.8 REFERENCE NO - 16/508602/OUT			
APPLICATION PROPOSAL			
Outline application for erection of up to 250 dwellings with all matters reserved except for access			
ADDRESS Land At Preston Fields Salters Lane Faversham Kent ME13 8YD			
RECOMMENDATION: Grant subject to s106 agreement and conditions as set out below, with delegated authority to amend the s106 wording and condition wording as may reasonably be required.			
SUMMARY OF REASONS FOR RECOMMENDATION:			
The development of up to 250 houses will provide much needed houses on an allocated housing site (see Policy A16 of Bearing Fruits 2031). The development would be in accordance with the Local Plan in this respect. The application has been considered against all other relevant policies within the Local Plan and the NPPF, and I have not identified any harm arising from the development that cannot be adequately mitigated.			
REASON FOR REFERRAL TO COMMITTEE:			
Town Council objection.			
Members will also note the application for the southern part of the Preston Fields allocation (reference 21/500766/OUT) which is reported elsewhere on this agenda. Given that the approval of that application would have implications for this development, and the length of time since Members resolved to approve this scheme (in March 2018), it was considered appropriate to report the application back to Committee now.			
WARD Watling	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT Redrow Homes Limited AGENT Avison Young
DECISION DUE DATE 11/04/17	PUBLICITY EXPIRY DATE 26/02/18	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
21/500766/OUT	Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane.	Pending	Pending
Members will note the report elsewhere on this agenda.			

MAIN REPORT

1.0 Background

This application was reported to Planning Committee in March 2018 with a recommendation for approval, and the report to that meeting is attached as Appendix A. The minute of the meeting is attached as Appendix B.

The Tabled Update to the Committee on 5 March 2018 is also relevant and is attached as Appendix C.

Members resolved as follows:

“That application 16/508602/OUT be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement. Authority was also delegated to fine-tune/amend the wording of conditions as required.”

Since the committee resolution, officers have had two meetings with the ward Members and the Planning Committee Chairman and the following report reflects their aspirations and the discussion that took place at the Committee in March 2018.

Since 2018, work has been on-going on the Local Plan Review, and linked to this consideration is being given to potential opportunities for new settlements to be delivered as part of the new Local Plan. Land owners in the area of Faversham have also been carrying out work on potential major development proposals in the vicinity of the town and it is possible that in due course an application for a new settlement to the south and east of Faversham could be submitted for planning permission. Such a scheme could also become part of the emerging Local Plan. If such a proposal were to come forward it would clearly be desirable to provide a road link from it to the Ashford Road (A251); the road would need to cross this site, and it is now the intention that the s106 agreement signed in respect of this application (and 21/500766/OUT) include provisions such that the land is reserved for the possible future provision of the Link Road. This is discussed further below.

2.0 DESCRIPTION OF SITE

- 2.01 The description of the site remains as set in original report to Committee (at paragraphs 1.01 to 1.08), which is attached as Appendix A.
- 2.02 Members will note that since the application was first considered, Marchant Grove has been built out on land immediately to the west, and this development includes five houses built on land at the eastern edge of that site, close to the boundary with the Preston Fields site.
- 2.03 It is also worth noting that since the application was first considered, the upgrade of the A2 – A51 junction has been built out, together with the provision of a pavement along the southern side of the A2 from immediately to the west of the Preston Fields site, through the junction with the A251 (where a pedestrian and cycle phase is included in the new traffic signals) and onwards to the Abbey School entrance, facilitating safe pedestrian / cycle journeys from the site to Abbey School and locations on the northern side of the A2. Part of the funding for these improvements will come from this development, via the s106 agreement. In addition, a signal-controlled pedestrian crossing has now been provided on the A251, close to the roundabout giving vehicular access into the Perry Court development.

3.0 PROPOSAL

- 3.01 The description of development remains as set out when the application was first reported to Committee, and Members will note paragraphs 2.02 to 2.05 of that report.
- 3.02 However, although the quantum of development proposed has not changed, the need to set aside land for the provision of the Link Road (which is explained elsewhere in this report), the fact that 70 dwellings are now proposed on the southern part of the Preston Fields allocation (see application 21/500766/OUT) and the fact

that land will need to be set aside for a car park (for use by existing residents of Rose Terrace and the other dwellings on the southern side of the A2 between the site entrance and Salters Lane) will have a material bearing on the amount of open space to be provided in support of the development, both within the red edge boundary and on other land owned or controlled by the applicant.

3.03 A 'Combined Masterplan' has recently been provided by the applicant and this shows illustratively how the 250 dwellings proposed under this application and the 70 proposed under 21/500766/OUT could be accommodated, while still providing some land for open space, the provision of the existing residents car park and a corridor of land for the Link Road.

3.04 I have asked the applicant to comment on the issue of open space provision and they have responded as follows:

"There will inevitably be a modest loss of open space of circa two hectares, but it is clear that any limited harm is outweighed by the benefits of providing further land for housing. As set out in the submitted landscape and visual impact assessment it is considered that with regards to the impact on "rural character" the visual changes are limited due to the site's low-lying topography, the surrounding vegetation, built form and highways network. It is also important to note that the illustrative masterplan for the southern parcel of site retains circa 1.2ha as undeveloped open space. Furthermore, any future detailed application will incorporate additional pockets of green infrastructure, including gardens."

3.05 I have now received further comments, which include the following:

PF North

Red line 10.34ha

Net Residential 7.10ha

Roads, resident parking and safeguarded link corridor c.0.4ha

Net POS 2.81ha

Net accessible POS (excluding indicative structural planting) 2.54ha

PF South

Red line 3.55ha

Net Residential 1.80ha

Net POS 1.75ha

Net accessible POS (excluding indicative structural planting) 1.18ha

Total

Total net POS 4.56ha

Total net accessible POS (excluding indicative structural planting) 3.72ha"

4.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	10.25 ha (25.9 acres)
No. of Storeys	2
No. of Residential Units	Up to 250
No. of Affordable Units	35% of total (88 of 250)
Density	35 dwellings per hectare

5.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
Adjacent Conservation Area Faversham and Preston-next-Faversham
High Pressure Gas Pipe - Inner Zone
Landfill Waste Disposal Site PRESTON FORGE
Source Protection Zone 2 for groundwater

6.0 POLICY AND OTHER CONSIDERATIONS

- 6.01 The National Planning Policy Framework (NPPF) was updated in 2021 and the relevant paragraphs are as follows:

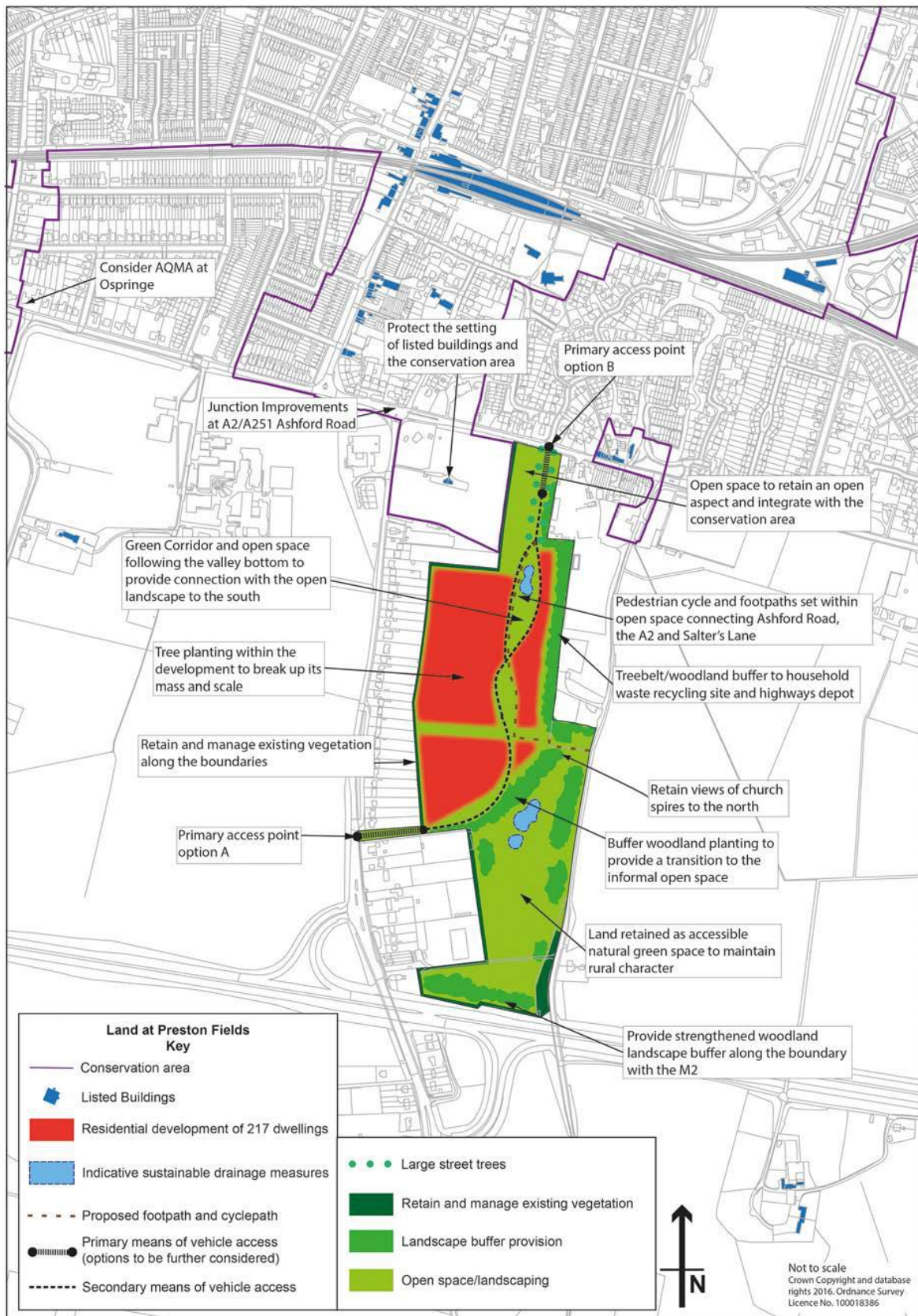
Members will note the following paragraphs: 7 (three dimensions of sustainable development), 8, 10, 11 (presumption in favour of sustainable development), 12 (the status of the development plan in decision making); 34 (developer contributions); 38 (the approach to decision making in a positive and creative way); 48 (weight to be given to emerging Local Plans); 55-58 (use of planning conditions and Planning Obligations); 60 (supporting the Government's objective of significantly boosting housing); 62 (housing mix); 63/65 (affordable housing); 68 (identifying land for homes); 74 to 77 (maintaining a supply of housing sites); 92 (promoting healthy / safe communities); 98 (providing social / recreational facilities); 104 (sustainable transport); 110 to 113 (consideration of transport issues in development proposals); 112 (accessibility by sustainable travel modes); 114 (need for high quality communications); 119 and 120 (making effective use of land); 124 (achieving appropriate densities); 126 (achieving well designed places); 127 (design policy); 128 (design criteria for developments); 132 (consideration of design quality between applicants, the local planning authority and local community); 133 (access to / use of tools and processes for assessing and improving design); 134 (refusal of poor design), 152 to 158 (planning for climate change); 159 to 169 (planning and flood risk); 169 (sustainable drainage systems); 174 (protecting / enhancing valued landscapes); 175 (natural environment – hierarchy of sites); 179 to 180 (protecting habitats and biodiversity, including Special Protection Areas / Ramsar sites); 183 to 188 (ground conditions and pollution); 185 (protection from noise / light pollution), 186 (air pollution, including AQMAs); heritage assets (194 to 198); and 209 to 212 (making best use of minerals).

- 6.02 National Design Guide (September 2019)

As part of an effort to improve the quality of the design of new development, including housing, the Government has produced this document, with the aspiration to create '*beautiful, enduring and successful places.*' It is intended to be a tool to assist in achieving the objectives for high-quality design that are enshrined in the NPPF. Among other things, the document sets out ten characteristics for well-designed places (see paragraph 36), and the intention is that the document will, among other things, assist (see paragraph 11) "*local authority planning officers, who... assess the quality of planning applications; and councillors, who make planning decisions...*"

- 6.03 The adopted Swale Borough Local Plan (adopted 2017) remains unchanged since the application was reported to Members in 2018. I have, however, included the concept plan that accompanies Policy A16 for Members' convenience below.

Concept plan



6.04 Supplementary Planning Documents:

Since Members last considered this proposal, the 'Parking Standards' (May 2020) SPD has been adopted. It gives in-depth guidance on the quantum of parking provision required for different types of development and for development in different types of location; it also gives advice on the layout of streets and other areas where parking is provided and on the importance of integrating with planting (notably street trees) and open SUDS features (such as swales and storm water planters). Advice is also given with respect to electric vehicle charging points (see page 25). I also note Appendix A (see page 35), which deals with residential car parking standards and for a suburban location such as this suggests (and the following is advisory only) that car parking levels should be as follows:

1 and 2 bed flats	1 space per unit
1 and 2 bed houses	1 to 2 spaces per unit
3 bed houses	2 to 3 spaces per unit
4+ bed houses	3+ spaces per unit
Visitor parking	0.2 per unit

6.05 Kent Minerals and Waste Local Plan (KMWLP) (2020): Policies CSM5 (minerals resources); DM7 (safeguarding); and DM9 (prior extraction).

6.06 The Council is working on a Local Plan Review and a Regulation 18 consultation has been carried out and the responses have been considered (Local Plan Panel, 24/3/22), and a report was also agreed for 'next steps', including the production of the Regulation 19 Plan by Autumn 2022.

6.07 Faversham Town Council are working on a Neighbourhood Plan for Faversham, and they are currently in the final stages of gathering evidence and drafting their Neighbourhood Plan, and I believe they intend to move to a Regulation 14 pre-submission public consultation soon.

As such, it currently holds limited weight as a material consideration in the determination of any planning applications.

7.0 LOCAL REPRESENTATIONS

The comments received as of March 2018 were summarised in the original Committee report (see paragraphs 6.01 to 6.03), the tabled update and the minute of that meeting. All of which are appended to this report.

Since then, 13 further comments (including six from one writer) have been received. Generally, the points raised are as summarised in the original report, but new points are raised as follows:

- Policy justification in questioned and it is suggested that the development is contrary to the NPPF;
- Concern about impact on air quality is reiterated with reference to submitted videos showing traffic congestion on the A2-A251;
- Particular concern is expressed about HGV traffic having increased on roads close to the application site;
- The site should be retained as a 'green-lung' rather than being built upon;

- Potential harm to flora and fauna is emphasised, with particular reference to a range of mammal and bird species – this development would significantly harm such species;
- If development must go ahead, it should be designed to biodiversity net gain at the centre of proposals;
- Insufficient information has been provided by the applicant, and planning permission should therefore be refused;
- Foul sewage flows generated by the development could undermine the capacity of the existing drainage system in Faversham, causing additional flooding elsewhere in the town (notably in Whitstable Road and Cyprus Road);
- On-going negotiations with the applicant are a poor use of public money; and
- Concern is expressed about harm to the designated Rural Lane, and suggests the Council needs to be consistent in its approach to applications affecting such designated roads.

8.0 CONSULTATIONS

8.01 Members will note the summary of comments from consultees at paragraphs 7.01 to 7.24 of the report to the March 2018 Committee meeting. These should be read alongside the updated consultees responses received following a further round of consultations with the technical consultees and Faversham Town Council under taken in February of this year, and which are set out below.

8.02 **Faversham Town Council** object to the application, and comment as follows:

“1) Evidence Base

Much of the supporting information relates to the original submission. For example, the residential travel plan and ecological assessment. These documents date back as early as 2016 and are therefore no longer up to date and reliable sources. It may be appropriate for these to be updated as part of the consideration for the impact of the proposed development at this stage or certainly conditioned as part of the reserved matters application.

2) Bearing Fruits Adopted Local Plan

The site is identified as a strategic allocation in the adopted Local Plan.

3) SHLAA April 2020

The SHLAA identifies this site as reference SLA18/178. In the assessment it classifies the current land use as agricultural and the site type as greenfield. It incorrectly reports that the site has outline planning permission. This is inaccurate, there has been a resolution to approve the application at the planning committee 1st March 2018. However, a decision notice has been issued. Therefore, consent has not been granted.

4) Illustrative Masterplan

The Case Officer committee report 1st March 2018 paragraph 2.03 confirms that the amended masterplan submitted with the application is illustrative and indicative. Planning Practice Guidance states that an applicant can choose to submit details of any of the reserved matters as part of an outline application. However, where the applicant has indicated that those details are submitted for illustration purposes only the LPA must not treat them as part of the development in respect of which the application is being made (Paragraph: 005 Reference ID: 21a-005-20190723). The application is accompanied by the amended Masterplan drawing reference 7391-L-04 rev E that is labelled as being for illustrative masterplan and is presumably not for formal determination (if it was it would not be illustrative). A clear considered

masterplan, supported by Design Codes and developed in conjunction with the local community, is the key to creating a successful development.

5) Local Highway Network

In addition to the specialist feedback make clear that the scheme would add to the cumulative impact on the immediate surrounding highways network, which is already under strain. This may result in a severe impact, which is contrary to national planning policy.

6) To be Demonstrated at Reserved Matters

Faversham Town Council expect that the following outcomes to be achieved as a part of the reserved matters and where appropriate to be conditioned with this application Address local surface water flooding originating from the application site through development on greenfield, agricultural land;

Provide increased capacity to deliver local services through Section 106 contribution, for example implantation of the LCWIP

Take opportunities to create and enhance active travel routes;

Consider Green corridors and significant tree planting, a detailed landscaping proposal should be submitted, demonstrating how it delivers 20% biodiversity net gain;

Provide a landscape buffer between the existing properties and proposed new development;

Create a site-specific design that responds to the site character and locality, providing a soft transition to the open countryside and edges of development;

Include superior energy performance and demonstrate BREEAM excellence in design. It should be noted that from the 15th June 2022 there are revised building regulation commitments that seek to further achieve net zero development.

Consideration for these measures should be integrated as part of any scheme;

Include EV charging for all new residential units and superfast fibre to the property;

Be tenure blind; and

Where there is an affordable housing element this should be made for affordable rent on the open market and by social landlords.

Faversham Town Council strongly encourage the applicant re-engage at the earliest opportunity prior to developing a reserved matters application to discuss the emerging Neighbourhood Plan policies, to avoid any delay, costs or risk through re-design. This will contribute to a smoother transition through planning at the future stage.”

8.03 KCC Highways and Transportation comment as follows:

“Thank you for your consultation of 25th February 2022 following the submission of amended

drawings and additional information in respect to the above planning application.

It is appreciated that the submission of both the revised Framework and Site Boundary plans

has been prompted in order to reflect the provisions contained within the adjacent planning

application 21/500766/OUT, as part of the site envisaged as open space is now proposed to be safeguarded for the possibility of providing a link road. As explained in the Briefing Note, neither this application or 21/500766/OUT actually seek approval for a link road, and granting consent would only ensure that development would not be able to take place upon the area of land that might be

required at some point in the future, were proposals to come forward. The revised application does not therefore need to revisit the transport assessment that has been considered already from when the LPA's Planning Committee Members resolved to grant planning approval for this development.

The terms of the associated Section 106 Agreement had also been agreed subsequently, and I understand that the draft would now be revised to include an obligation to safeguard the relevant land within the application site, noting it would be transferred to the Borough Council. I would have no objection to that proposed revision, and I do not require any changes to the highway obligations that had already been agreed in the draft document.

None of the above alter the views previously given by the Local Highway Authority in its consultation responses. It is important to remember that access matters in relation to a future link road are not part of this application, and that proposal would be the subject of an entirely separate planning application to consider the highway impacts.

I would therefore adhere to the Highway Authority's recommendation provided in the consultation response of 14th February 2018."

Members will also note paragraph 7.20 of the original Committee report, where KCC Highways and Transportation's original comments are set out; subject to amended plans (subsequently provided), conditions and s106 obligations, they raised no objection.

- 8.04 **KCC Flood and Water Management** raise no objection subject to conditions (three in number), which are included below.
- 8.05 **Kent Police** have provided a detailed response, which sets out a number of design recommendation. None of these relate to the principle of this development, and are matters that can be dealt with at the reserved matters stage of via the Building Regulations. The letter in on the website, if Members wish to view it.
- 8.06 **Environmental Protection Team:**
- In response to re-consultation on the updated information, they state that "...there are no issues / concerns from an EH perspective. No comments / objections."
- 8.07 Their original comments on the application are at paragraphs 7.09 and 7.10 (notably in respect of air quality, noise and land contamination) of the original report.
- 8.08 **National Highways** raise no objection and their response includes the following:

"Previously the applicant agreed to enter into a Section 278 agreement the Highways Act 1980 with Highways England for a contribution of £53,200 towards highway works at M2 Junction 7 Brenley Corner as detailed in AOne+ drawing No. HE548085-AONE-GEN-M2BRENLEY-DR-CH-0001 Rev P1.1 or other such scheme of works for safety and/or capacity purposes at the junction. That scheme of works has been completed but the safety and congestion issues have not been resolved. At this time developments that impact this junction are being required to make a financial contribution to the benefit of works or study at the

junction. This because a potential RIS scheme is some way off and the junction would benefit from an interim improvement scheme. Accordingly, as the amount of £53,200 (index linked to 2019 quarter 1 prices) has already been agreed with the applicant it would seem appropriate to accept this level of contribution.”

A condition requiring a Construction Management Plan has also been requested, and Members will note condition (15) below.

8.09 **KCC Ecology** advise as follows:

“The submitted ecology information is from 2016 and now considered well out of date in alignment with current CIEEM guidance. Additionally, since this time, environmental legislation and policy has changed (e.g., section 15 of the NPPF and the introduction of the Environment Act).

Therefore, we advise that an updated ecological assessment is provided, not only demonstrating that any adverse ecological impacts of construction can be mitigated but that the development will achieve a biodiversity net-gain. We advise that this is provided prior to determination of the application.”

In the light of clarification, a further response was provided raising no objection subject to the imposition of a further conditions to secure the additional ecological information and to ensure that a biodiversity net gain of at least 10% is secured. Relevant conditions are included below.

8.10 **Greenspaces Manager** raises no objection and notes:

“In principle. comments essentially remain the same, but clearly disappointing to reduce the amount of open space with the development link road and highway route through the site between A251 and Salters Lane in relation to application 21/500766/OUT.

While disappointing, on balance clearly understand the need and strategic desire for the link with the reduction of open space. Would hope that in due course the need for access to the community facilities and open space will be recognised in the design of the road to ease pedestrian transit between the two.”

With regard to developer contributions these remain as set out in the original Committee report, which is attached as Appendix A, and Members will note paragraph 9.64.

8.11 **Southern Water Services** state that *“The comments in our previous response dated 30/1/2017 remain unchanged and valid for amended details.”*

8.12 Their original comments are summarised at paragraph 7.14 of the original report.

8.13 **Affordable Housing Manager** – the requirements for 35% of the dwellings to be affordable and for the tenure split to be 90-10 in favour of affordable / social rent and for the remaining 10% to be intermediate / shared ownership tenure remains as in 2018.

8.14 With specific regard to First Homes (affordable private sales dwellings), as Members resolved to approve this application before the requirement for First Homes was introduced, the requirement to provide First Homes will not apply to this development.

- 8.15 Members will note the summary of their original comments at paragraph 7.07 of the original report.
- 8.16 The **Environment Agency** (EA) raise no objection subject to the imposition of conditions (six in number) relating to contamination, drainage and piling method. These are included below at conditions (9) to (14). Members will note the summary of the original EA comments at paragraph 7.13 of the original report.
- 8.17 **Natural England** raise no objection, and draw attention to the fact that the site is located in relatively close proximity to SPA and SSSI ecological designations and to the Kent Downs AONB. With regard to the former, they also state that potential recreational impacts can be mitigated by way of a financial contribution and that it is for the Council to decide whether an Appropriate Assessment is required or not.
- 8.18 Members will note that corresponding comments were made in respect of this development when Natural England were consulted in 2018; see paragraph 7.08 of the original report. I also note that the appropriate assessment issue was dealt with at the time of the original report to Committee and do not intend to re-visit the issue now, mindful that Members resolved to grant planning permission then.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Since the application was reported to Committee in 2018, the submitted drawings have been updated and key plans are now as follows:

- Red Line Plan (7391-L-02 C);
- Framework Plan (7391-L-03 E);
- Combined Masterplan (7391-SK-03);
- A251 access / s278 drawing (F16038/01 F)
- A2 access / s278 drawing (F16038/02 D)

- 9.02 A full set of supporting documents has also been provided, and these are publicly accessible on the Council's website.

10.0 APPRAISAL

Principle of Development

- 10.01 As Members will be aware, this application benefits from a Committee resolution to approve, which as set out above, reads as follows:

“That application 16/508602/OUT be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement. Authority was also delegated to fine-tune/amend the wording of conditions as required.”

- 10.02 This is a significant material consideration that weighs heavily in favour of the application, mindful that the description of development is unchanged as is the application site area.

- 10.03 It is also worth noting that the Local Plan remains unchanged and, in particular, that Policy A16 envisages a minimum of 217 dwellings on broadly the land where 'up to 250 dwellings' are proposed under this application. The NPPF has been refined since

the application was first considered by Members in 2018, but none of the changes are relevant to whether this application should be considered to be acceptable as a matter of principle.

- 10.04 I am firmly of the view that the application continues to be acceptable as a matter of principle.
- 10.05 However, certain material considerations have changed, which is why the application is being reported back to Committee now, for Members to renew the recommendation.
- 10.06 As explained above, since the application was first considered by Members in 2018, the provision of a Link Road across the southern edge of this site has emerged as a priority for the Council. It is intended that if approved, this application – and 21/500766/OUT – would be subject to a clause(s) in the s106 agreement requiring that a suitable-sized corridor (likely to be circa 0.5 hectares, though subject to agreement of the precise requirement) be set aside for this purpose. This, combined with the housing proposed under 21/500766/OUT, will reduce the amount of land available for public open space both within the red edge boundary and on the land to the south of this application (where application 21/500766/OUT proposes up to 70 dwellings). In addition to this, in line with the discussion at the March 2018 committee (see Appendix B for the minute of that meeting), the ward Members and the Chairman of the Committee require that a car park be provided within the application site to serve those existing dwellings that front the A2 immediately to the east of the site (and where currently on-street parking occurs to the detriment of smooth traffic flow and users of the narrow pavement at that location). The provision of this facility would further reduce the public open space available within the application site.
- 10.07 As such, rather than a minimum of 3.15 hectares as envisaged under condition (5) in the original report to Committee, the corresponding condition below (namely condition 6) would require a minimum of 2.5 hectares.
- 10.08 It is also worth noting that, in respect of the land immediately to the south of this application site, where 3.5 hectares of land for informal open space and strategic landscape was originally envisaged, up to 70 dwellings would be provided together with 1.2 hectares of open space (on the field immediately north of the M2 motorway).
- 10.09 I note that Greenspaces Manager consider that while this reduced level of open space provision is ‘disappointing’ he does not object to.
- 10.10 While this reduced level of open space provision is arguably at odds with the expectation of Policy A16 of the Local Plan (and the supporting text to the policy), the position needs to be viewed in the round: balanced against the under-provision of open space are the delivery of land to be reserved for the Link Road, the car park for existing residents and the delivery of the additional ‘up to 70 dwellings’. The latter being a significant consideration given that the Council lacks a 5-year housing land supply and that the NPPF encourages Local Planning Authorities to make efficient use of land.
- 10.11 Having weighed these considerations, I conclude that the reduced provision of open space should be accepted in this instance, given the multiple benefits that will be delivered as a result of doing so.

Developer Contributions

10.12 Members will note the contributions that were requested when the application was first reported to Planning Committee. See Paragraphs 9.64 to 9.68 of the report at Appendix A. Generally, the contributions requested remain applicable and the s106 agreement will need to include clauses to ensure that they are paid. However, the exceptions to this are as follows:

- **Preston School Rooms** – following discussion with the ward Members it has been agreed that some of the payments requested by KCC to be spent on local infrastructure / services will be directed instead to the project to restore the Preston School Rooms (located on the northern edge of the curtilage to St Catherine's Church, and just to the south of Faversham Railway Station. In particular, the money previously identified for community learning (£60.43 per dwelling), social care (£262.94 per dwelling) and youth services (£55.55 per dwelling) will be directed to this project. This amounts to a total of £378.92 per dwelling or £94,730 if 250 dwellings are ultimately built. When complete the facility would offer a community space for local people, where a range of services could be delivered.
- **Car Park for Adjacent Residents** – when the application was debated by Members in March 2018 (see Appendix B), Members raised issues including the possibility of providing such a car park (to address the issue of on-street parking on the stretch of the A2 immediately to the east of the site entrance and up to the Salters Lane junction). Delegated authority is sought to secure its provision (and subsequent maintenance) via the s106 agreement. It is anticipated that provision for approximately 20 cars would be required, and matters such as the detailed design, materials, boundary treatment, landscape planting and maintenance / management arrangements would be tied down using the legal agreement.
- **On-street parking restrictions** – in conjunction with provision of the Residents' Car Park, parking restrictions are required to prevent unrestricted parking on the stretch of the A2 between the proposed site entrance and the junction with Salters Lane. The s106 agreement will need to ensure that an application for a Traffic Regulation Order for this is made before an agreed trigger.
- **S278 Agreement** – Members will note that some of works referred to in the corresponding paragraph in 2018 committee report (namely 9.64) is now out-of-date, as the pavement / footpath between the site and the Abbey School has now been provided. However, the s106 agreement will need to include a clause to ensure that the cost of these works (£85,000) is met by this developer. This is addition to the contribution of £87,900 towards the A2/A251 junction upgrade itself.
- The other s278 works remain to be carried out, and authority is sought to amend the requirements such that the bus shelter to be provided is provided with a living / green roof, following input from one of the ward Members.
- With regard to the **provision of bins**, the following is now required per dwelling:

Per house - 1 x 180ltr green refuse bin @ £45.10 per bin

1 x 240ltr blue recycling bin @ £45.10 per bin

1 x 23ltr black food bin @ £10.50 per bin

1 x 5ltr kitchen caddy @ £5.20 per bin

Total cost for a full set of bins for a house is £105.90.

For flats it would be:

- 1 x 1100ltr refuse bin per 5 flats @ £437.60 per bin
- 1 x 1100ltr recycling bin per 5 flats @ £437.60 per bin
- 1 x 140ltr food bin per 5 flats @ £78.70 per bin

Equating to £190.78 for one flat.

- With regard to air quality, Members will note that when the application was reported to Committee in 2018, the Committee report included condition (35), which included the following wording:

“...a detailed strategy for achieving the required damage cost calculation of £225,513 over a five-year period to offset development-generated transport emissions on local air quality...”

In line with general Council practice now, I consider that this be secured under the s106 agreement, and the agreement should be worded such that the mitigation can be delivered through either on-site mitigation (over and above that secured under other conditions) to that value or as payment to the Council for off-site mitigation. The s106 agreement should also allow for a mix of the two, if required.

- As explained elsewhere, the s106 agreement will also need to include wording such that a parcel of land in an agreed position and of an agreed area is reserved for the possible future provision of a Link Road, and for the land to be passed over to the Council for this purpose before an agreed trigger point.
- The s106 agreement will also need wording to deal with the delivery and on-going maintenance of the various areas of public open space.

Finally, delegated authority is sought to amend the wording of the draft agreement as may reasonably be required.

Affordable Housing

- 10.13 The key requirements in respect of affordable housing remain as set out in the original committee report and as summarised at 8.13 and 8.14 above. With regard to accessibility standard, however, authority is sought to negotiate the s106 agreement on the basis that a minimum of 10% of the affordable dwellings should be M4(3) standard (wheelchair user dwelling) and the remainder of the affordable dwellings M4(2) standard (accessible and adaptable dwellings).

Planning Conditions

- 10.14 The conditions set out below have been updated compared to those set out in the original report, I have added new conditions in respect of climate change issues, biodiversity and design to reflect current thinking.

11.0 CONCLUSION

- 11.01 As set out above, this development benefits from a resolution to approve (dating from March 2018). Although circumstances have changed since then, not least in terms of the development now proposed on the southern part of the Preston Fields allocation,

having re-assessed the proposals, officers remain firmly of the view that the proposed development is acceptable and would result in a high-quality housing scheme that accords with Policy A16.

11.02 I therefore conclude that the development is in accordance with the NPPF and the Local Plan, and recommend that planning permission be granted subject to conditions and a suitably-worded s106 agreement.

12.0 RECOMMENDATION – GRANT subject to the signing of a suitably-worded s106 agreement (reflecting the matters set out above and in the corresponding section of the original committee report) and conditions as set out below, with delegated authority to amend the s106 wording and condition wording as may reasonably be required.

CONDITIONS to include

(1) Details of the layout, scale, appearance, and landscaping within a phase of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development within that phase takes place and the development shall be carried out as approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(3) The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(4) Prior to the submission of a reserved matters application for any phase, a design code for all of the phases shall be submitted to and approved in writing by the Local Planning Authority.

The details submitted pursuant to condition (1) above shall be in accordance with the approved Design Code that shall include, but not be limited to, the following:

- A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials (which should be locally sourced unless it is demonstrated that this cannot reasonably be achieved), boundary treatments, and provision of car parking;
- Principles for establishing character areas;
- Principles for road hierarchy, pedestrian and cycle connections including the alignment, width, lighting and surface materials to be used;

- A strategy for street tree planting;
- A strategy for lighting to the network of cycle and footpaths;
- Principles for the layout to accommodate and respond to existing landscape features within the site (including for the retention of existing trees, hedges - including along the track running east-west through the site - and other boundary planting);
- A levels strategy to retain (where possible) the existing topography and minimise the creation of artificial development platforms;
- Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage (which shall incorporate open features such as ponds, ditches, storm water planters and swales);
- A car parking strategy to demonstrate how parking provision for the housing will be well integrated both with the built development and hard and soft landscaping (with an onus on the provision of native species street trees);
- A strategy to ensure that dwellings are provided with water butts and garden composting facilities (or appropriate communal provision for any apartment blocks); and

Reason: In the interests of providing a high-quality layout and design of this development.

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

F16038/02 Revision D and F16038/01 Revision F-

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

- (6) The details submitted pursuant to condition (1) above shall include an area of at least 2.5 hectares which shall be reserved for public open space. Play spaces shall be provided within this open space and shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before development is commenced (with the exception of ground preparation works) and shall be provided before the occupation of the 125th dwelling or in accordance with a programme that shall have been agreed in writing by the Local Planning Authority before the occupation of the 125th dwelling; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that the quality and quantity of open space meets the needs of the future residents of the site and existing residents in the surrounding area.

- (7) Prior to the commencement of development (with the exception of demolition), details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details. The buildings hereby approved, the details of which are to be agreed under condition (1) shall not exceed a height of 8.5m above the agreed finished floor levels.

Reason: In the interests of visual amenities and preserving the character and appearance of the landscape.

- (8) The details submitted pursuant to condition (1) above shall include details of a pedestrian and cycle path to connect the housing development hereby approved to the land immediately to the west (known as Marchant Grove) in broadly the position shown on the 'Combined Masterplans' (drawing number 7391-SK-03) and, in particular, to a path to be provided through that site (to south of Number 5 and to connect ultimately to the Ashford Road). None of the dwellings hereby approved shall be first occupied until details have been agreed to pursuant to this condition, which shall include a programme for the implementation of the path and arrangements for it to be kept available for public use in perpetuity. Thereafter the path shall be open to members of the public as pedestrians only at all times. In the event that it is necessary to close the path to pedestrians to enable works necessary for the resurfacing of the path, no such works shall be undertaken unless notice has first been served on the Local Planning Authority at least 10 days before the proposed closure detailing what works are required to be undertaken and stating the duration of those works.

Reason: In the interests of maximising connectivity between the site and adjacent development sites and in the interests of encouraging sustainable, non-car modes of travel.

- (9) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:
- A. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - C. The results of the site investigation and the detailed risk assessment referred to in (B) 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.
 - D. 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 (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

- (10) Prior to the occupation of any dwelling hereby approved, a verification report demonstrating 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. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

- (11) 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

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

Reasons: Piling can result in risks to groundwater quality.

- (13) No development approved by this planning permission shall take place until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reasons: To prevent pollution of controlled waters and comply with the NPPF. The proposals must demonstrate that the local sewerage undertaker has agreed to proposals for a connection to foul sewer.

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

Reasons: To prevent pollution of controlled waters and comply with the NPPF. Infiltration through land contamination has the potential to impact on groundwater quality.

- (15) Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- Hours of working and timing of deliveries

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Routing of construction and delivery vehicles to / from site, including the number of vehicles
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- Details of how the construction will proceed in accordance with the conditions sets out in the consultee response by Southern Gas Networks email dated 25th January 2017
- The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

- (16) The details submitted pursuant to condition (1) above shall show adequate land reserved for the parking or garaging of cars and such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- (17) 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.

- (18) The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, 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 and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

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

- (19) The details submitted pursuant to condition (1) above shall include details of covered secure cycle parking facilities for each dwelling. The approved cycle parking shall thereafter be provided prior to the occupation of dwellings hereby approved, and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

- (20) The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by Planning the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the western boundary, the provision of structural planting to provide screening for the dwellings within the site, to the southern and eastern boundaries, the provision of a community orchard within the open space, and a footpath connection between the application site and the adjacent land known as Orchard Cottage, and an implementation programme.

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

- (21) All hard and soft landscape works shall be carried out in accordance with the approved details. The structural planting works to the southern boundary shall be carried out within six months of the commencement of development, the structural planting works to the eastern boundary shall be carried out prior to the occupation of any part of the development and all other hard and soft landscaping works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area, landscape quality and of encouraging wildlife and biodiversity.

- (22) 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, or ten years for the structural planting along the southern and eastern boundaries, shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- (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: In the interests of minimising water consumption.

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

Reason: in the interests of minimising CO2 emissions.

- (25) The details submitted pursuant to condition (1) (the reserved matters) shall include measures to provide electrical vehicle charging points and shall include;

- (a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage,
- (b) Electrical vehicle charging points to be provided to a minimum of 10% of all other residential parking areas.,
- (c) Electrical vehicle charging points to be provided to a minimum of 10% of visitor parking spaces.

No dwelling hereby permitted shall be occupied until the electric vehicle charging points for that dwelling have been installed. All Electric Vehicle Charging units shall be provided to Mode 3 standard with a minimum 7kw. The charging points shall be provided prior to first occupation of any dwelling hereby approved.

Reason: In the interest of sustainable development and encouraging sustainable modes of travel.

- (26) The details submitted pursuant to condition (1) above shall include measures to minimise the risk of crime via measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety.

- (27) The details of the layout submitted under condition (1) above shall ensure that there are no dwellings located within nine metres either side of the high pressure gas pipeline that runs through the site. Any dwellings within the middle and outer zones of the high pressure gas pipeline, as identified on the Health and Safety Executive map (12th January 2017) shall not exceed more than 30 in number and/or more than 40 dwellings per hectare.

Reason: In the interests of health and safety and the protection of important gas infrastructure.

- (28) No development shall take place (including any ground works, site clearance) until a method statement for mitigating protected species impacts has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by updated ecological surveys where necessary;
 - c) Extent and location of proposed works shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to oversee works;
- The works shall be carried out strictly in accordance with the approved details.

Reason: To protect biodiversity.

- (29) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: For the removal of invasive species in line with schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the Environment Protection Act 1990.

- (30) No development shall take place (with the exception of site clearance, excavation and other ground preparation works) until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site 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) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long term maintenance.

- i) Details for monitoring and remedial measures.

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

Reason: To enhance biodiversity

- (31) No development shall take place until an updated ecological assessment (which shall not only demonstrate that any adverse ecological impacts of construction can be appropriately mitigated but also that the development will achieve a biodiversity net-gain of not less than 10%). The details submitted pursuant to condition (1) above shall be informed by the approved ecological assessment and set out how the biodiversity net gain will be delivered.

Reason: To enhance biodiversity

- (32) The vehicular accesses to the site as shown on the approved drawings (namely F16038/02 Revision F and F16038/01 F) shall be constructed and completed prior to the commencement of the development hereby permitted.

Reason: To ensure that a satisfactory means of access is provided for the site.

- (33) Development shall not begin 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 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 via infiltration measures located within the curtilage of the site. The detailed drainage scheme shall take into account all flows that may be received from areas outside of the application boundary and provide appropriate mitigation measures to safeguard the development against flooding from these off-site sources.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- (34) No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- (35) Development shall not begin until a hydrogeological risk assessment is submitted to and approved in writing by Local Planning Authority that demonstrates there is no resultant unacceptable risk to controlled waters and/or

ground stability as a result of infiltration of surface water from the development. The details shall only then be implemented in accordance with the approved details.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- (36) Prior to commencement of development hereby approved (with the exception of site clearance and groundworks) a detailed Noise Assessment based on the layout of the dwellings to be submitted at the reserved matters stage and the Noise Assessment submitted at the outline stage (December 2016 ref: I&BPB5540R002F02), shall be submitted to the Local Planning Authority for approval in writing. The detailed Noise Assessment shall specify noise mitigation measures that shall be put in place to ensure that the predicted noise impacts as set out in the Noise Assessment (December 2016) are not exceeded. The development shall then be implemented in strict accordance with the requirements of the detailed Noise Assessment.

Reason: To safeguard the residential amenities of the future occupants of the dwellings hereby approved.

- (37) Prior to first occupation of each of the dwellings hereby approved, the following works between a dwelling and the adopted highway shall have been completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety and amenity.

- (38) The visibility splays for the accesses hereby approved as shown on the submitted plans (namely drawing number F16038/02 Revision D and drawing number F16038/01 F) shall be provided prior to the first use access and shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of highway safety and amenity.

- (39) The landscaping details to be submitted in accordance with condition (1) above shall include:
- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site to be retained and indicating the crown spread of each tree.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree.
 - (c) details of any proposed arboricultural works to any retained tree, which shall be carried out in accordance with British Standard 3998 (tree work).
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development

In this condition “retained tree” means any existing tree which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees which are worthy of retention in the interests of the amenities of the area, ecology and biodiversity.

(40) The details submitted pursuant to condition (1) above shall include measures to prevent the discharge of surface water on to the public highway. The agreed measures shall then be retained in perpetuity.

Reason: in the interests of highway safety.

(41) 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.

INFORMATIVES

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
2. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
3. The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
 - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water
 - Planning Committee Report - 1 March 2018 ITEM 2.4 64 should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
 - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
 - Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.
4. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
5. 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>
6. 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.
7. The development shall be carried out in accordance with the information provided by SGN in their consultation response of 25 January 2017, including the requirement that any works within three metres of the high pressure gas pipeline should be hand-dug. Notwithstanding the submitted information, the precise position of the pipeline should be established on-site before further works are carried out.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by: Offering pre-application advice. Where possible, suggesting solutions to secure a successful outcome. As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Appendices

- A. Planning Committee report – March 2018
- B. Minute of Committee meeting – March 2018
- C. Tabled update to Committee meeting in March 2018

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.

