

PLANNING COMMITTEE – 23 JUNE 2022**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 21/502609/OUT		
APPLICATION PROPOSAL Outline application for the erection of up to 10no. residential dwellings with associated landscaping, road layout and parking. (Access being sought).		
ADDRESS Land To The East Of Lynsted Lane Lynsted Kent ME9 9QN		
RECOMMENDATION Grant, subject to conditions and the signing of a suitably worded S.106 to secure the requested developer contributions.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal will provide residential accommodation, at a time when the Council does not currently have five years of housing land supply. The delivery of this scheme (subject to conditions and the appropriate S106 Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. No objection has been raised by statutory consultees and the scheme has been subject to an independent highway review which has concluded that the proposal is compliant with local and national highway policies.		
REASON FOR REFERRAL TO COMMITTEE The application was 'called in' by the Head of Planning Services at the 10 th March 2022 Planning Committee meeting and the Committee agreed that an independent highway analysis be carried out with the results reported back to a future meeting. This analysis has now been concluded and this report and the Appendices set out the details.		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Lynsted With Kingsdown	APPLICANT Eden Real Estate Group Ltd And FPC Income And Growth PLC AGENT ECE Planning Limited
DECISION DUE DATE 13/08/21		PUBLICITY EXPIRY DATE 17/12/21

1. BACKGROUND

- 1.1 This application was first report to the Planning Committee on 10th February 2022 where Members resolved *“That application 21/502609/OUT be deferred in order that the Planning Working Group can meet on site.”*
- 1.2 The site meeting referred to above was held on 1st March 2022 and the application was reported back to the Planning Committee meeting of 10th March 2022. During the meeting, upon being put to the vote, the motion to approve the application was lost. At that point the Head of Planning Services used his delegated powers to 'call-in' the application. The

Committee then agreed to defer the application to allow an independent highway analysis to be carried out. For the avoidance of doubt, the resolution was as follows:

“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, with independent highway advice and bus route information also to be included and the results reported back to the Committee.”

- 1.3 The independent highway advice as referred to above has been obtained. The initial advice received is included at Appendix 1 and sought further information from the applicant. This was provided in a Technical Note submitted by the applicant, included at Appendix 2 which the Council’s highway consultant again reviewed, with their final concluding report included at Appendix 3. I have also included the original committee report at Appendix 4, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme - as such I will not repeat these details here. As a result, the form that this supplementary report will take will be to discuss the independent highway advice received and how this has informed the recommendation reached by Officers.

2. APPRAISAL

- 2.1 As set out above, in addition to the detailed assessment of highway related matters undertaken by KCC Highways & Transportation during the course of the application, since the application was deferred at the 10th March 2022 committee meeting, an in depth independent review of the highway issues has been carried out.
- 2.2 The initial independent review is provided in full in Appendix 1. As part of this review a site visit was carried out to assess amongst other things, the current parking situation in Lynsted Lane. This is in addition to the site visits carried out by the applicant in producing their proposals and the visits carried out by Officers. I note from the committee resolution that Members also requested information regarding bus routes. This matter has been specifically addressed as part of the initial highway review which for the avoidance of doubt states the following:

“We have reviewed the existing bus service information for routes operating on Lynsted Lane as per the TS, noting:

- *345 Service:*

- *5 services per day, Monday to Friday,*

- *1 service on a Saturday.*

- *662 Service – School service, with one bus arriving in the AM and PM.*

Given the infrequent services on Lynsted Lane, we have not seen any evidence that the proposed give way control on Lynsted Lane, or the proposed development in general, will have an adverse impact on existing bus services.”

- 2.3 As a result of the above, the assessment carried out as part of the independent highway review, (along with the views previously given by KCC Highways & Transportation) believes

that the proposed development including the give way control on Lynsted Lane, will not have a harmful impact upon existing bus services.

- 2.4 Members will note that the initial independent review concluded *“For the most part, the development proposal is considered appropriate in principle, however, further information is required before the proposal can be fully supported at the outline stage...”* The further information related to the suitability of the proposal in relation to local and national policy; the extent of parking restrictions on Lynsted Lane; to demonstrate that suitable safe stopping distance can be achieved on the approach to the Lynsted Lane give way control; updated vehicle tracking; and to demonstrate that any loss of parking on Lynsted Lane can be accommodated elsewhere on the road, within a suitable walking distance.
- 2.5 In response to this the applicant provided a Technical Note (Appendix 2) which included a response to each of the above referenced points and which the Council’s consultant again reviewed - see Appendix 3 for comments in full. In particular, a drawing has been provided which confirms the visibility splays and safe stopping distances are achieved in accordance with Manual for Streets and the Kent Design Guide. In addition, parking restrictions along the western side of Lynsted Lane have been extended by approximately 5m, with restrictions on the eastern side of Lynsted Lane extended by approximately 21m to the south of the access to ensure that visibility can be maintained. It should be noted that no cars have been picked up in the parking survey as being parked on the eastern side of Lynsted Lane where these specific restrictions have been extended, although this will ensure that visibility is maintained. As a result, I have updated the condition (namely condition 27 below) requiring that a TRO is submitted and (if approved) the works are carried out prior to the occupation of any dwelling.
- 2.6 The matter of the existing parking that takes place on Lynsted Lane and the impact of the proposals upon this has also been reviewed. The applicant considers that when reviewing the amount of parking currently occurring along Lynsted Lane and parking ‘stress’ levels, that the current situation is comfortably below the point that parking stress becomes apparent. As a result, the applicant takes the view that there is still available parking within a reasonable walking distance, even accounting for the proposals as now put forward including the new parking restrictions. In respect of this it is noted that the Council’s Consultant sets out that *“We acknowledge the provided parking survey information and consider it acceptable.”* In addition to the available parking on the highway, there is also, as previously discussed as part of the scheme, compensatory parking to be provided within the development itself. The applicant and the Council’s Consultant agree that the number of spaces should be 5 and it is suggested that a condition is imposed to secure this. I have recommended this condition (namely condition 1 below) and on the basis of the independent review I believe that these matters have been acceptably dealt with and would not give rise to unacceptable harm in this regard.
- 2.7 Further points which have been addressed / clarified refer to the tracking details for refuse and servicing vehicles and the general policy context which the application has been assessed against. These points have been addressed in the applicant’s Technical Note and in response, along with the additional matters discussed above, the following conclusion by the Council’s Consultant as contained in the final independent highway review has been reached:

“We consider the response provided by Stantec to be sufficient to address our initial concerns, as documented in our initial response dated 12 April 2022, noting:

- The scheme is considered compliant with relevant national and local highway policy,*
- Following conversations with Stantec and the evidence presented, the design of the site access is considered suitable,*
- We agree that the 5 compensation parking spaces which can be accommodated within the site should be secured by a planning condition, with the details determined at the reserved matters stage.”*

- 2.8 I do recognise that Lynsted with Kingsdown Parish Council, Teynham Parish Council, local residents and Members have raised concerns regarding the impact of the proposal upon highway safety and amenity. However, now in addition to KCC Highways & Transportation raising no objection (subject to conditions which have been recommended), I am in receipt of very detailed independent highway advice which clearly sets out that the proposal *‘is considered compliant with relevant national and local highway policy.’* On this basis I can reach no other conclusion than that the proposal would not give rise to harm to highway safety and amenity nor give rise to a severe impact upon the road network (the tests set out in the relevant policies) and is acceptable in this regard.
- 2.9 I do note through the course of the highway review, that due to the increase in the length of the yellow lines proposed, that amended drawings have been provided. As a result of this I have updated the relevant condition requiring a Traffic Regulation Order to be submitted showing the details as contained in this latest drawing. For completeness I have also liaised with KCC Highways & Transportation - on the basis that this part of the highway network is under their control – who have confirmed they have no objection to the extended yellow lines as proposed. In addition, I have added a condition to ensure that the off site highway works, which includes the footway on the eastern side of Lynsted Lane and the priority shuttle system is completed prior to the occupation of any dwelling.

Other Matters

- 2.10 I note the Tabled Update which was provided to Members ahead of the application being reported to the planning committee meeting of 10th February 2022. This refers to amendments required to a limited number of the conditions. For the avoidance of doubt, I have updated the wording to the conditions listed below as referenced in the tabled update.
- 2.11 Members will also be aware that there is a private right of access from this site, through the adjacent joinery yard linking to the A2. There is also a new footpath proposed on the eastern side of Lynsted Lane which would link the site to the A2 and therefore providing in my view, a convenient and direct alternative route to nearby services and facilities. As previously set out in the consideration of this scheme, it is not imperative that both routes are provided. As such, if Members did have concerns regarding pedestrian access through the joinery yard, I am of the view that condition 1 could be amended to require the reserved matters to demonstrate how use of the joinery yard route would be deterred for future residents.

3. CONCLUSION

- 3.1 The overall planning policy context within which the planning application is now being considered is identical to when this proposal was reported to the Planning Committee on 10th February 2022 and 10th March 2022 where Officers recommended approval.
- 3.2 Since this time an independent highway review has been carried out. The review(s) have been attached in full (including the applicant's response to the initial review) with a very clear conclusion being drawn by the Council's consultant that the proposal is compliant with the relevant local and national highway policies.
- 3.3 As the Council remain unable to demonstrate a 5-year supply of housing land the 'titled balance' is engaged, directing decision makers to approve applications unless it is considered that any harm identified would significantly and demonstrably [my emphasis] outweigh the benefits. As such, it is not sufficient for harm to be identified, the harm must significantly and demonstrably outweigh the benefits for applications to be refused. In this case it is considered that the benefits outweigh the harm and the proposal constitutes sustainable development. Therefore, in accordance with the requirements of the NPPF, the application in my view should be approved.
- 3.4 On the basis of the above, in the event that the Planning Committee was minded to refuse the scheme for reasons related to highway impacts, 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 both KCC Highways & Transportation, and separately an independent highway consultant has assessed the scheme in detail and concluded that the proposals are in accordance with the relevant local and national highway policies. At an appeal it would be expected that the Council was able to defend reasons for refusal with appropriate technical evidence. In this case, the lack of any technical evidence to support a reason for refusal on these grounds would, as well as likely resulting in an Inspector allowing an appeal, also mean in my view that there would be a high risk of costs being awarded against the Council at an appeal in such a scenario.

4. RECOMMENDATION

GRANT planning permission subject to the signing of a suitably worded Section 106 agreement and the following conditions. And with delegated authority to amend the wording in the s106 agreement and of conditions as may reasonably be required.

- 1) Details relating to the layout, scale and appearance of the proposed buildings, and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced. Details to include reference to the proposed footpath from the north eastern corner of the site to the A2 and a minimum of 5 compensatory parking spaces.

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

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

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

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

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

- 4) An accommodation schedule shall be provided with the reserved matters application. The accommodation schedule shall demonstrate a range of housing types are provided which reflects the findings of the current Strategic Housing Market Assessment or similar needs assessment (or most recent standard) as well as making provision for wheelchair adaptable dwellings and wheelchair user dwellings as part of the housing mix.

Reason: To ensure there is a mix and size of dwellings to meet the future needs of households.

- 5) No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout.

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

- 6) 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 Sustainable Surface Water Drainage Report dated April 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.

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

- 7) 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 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.

- 9) 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.

- 10) No development shall take place, including any works of demolition, until a Demolition/Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide details of:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel and visitors
 - (c) Timing of deliveries
 - (d) loading and unloading of plant and materials
 - (e) storage of plant and materials used in constructing the development
 - (f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (g) Temporary traffic management / signage
 - (h) wheel washing facilities
 - (i) measures to control the emission of dust, particulates and dirt during construction
 - (j) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (k) Bonfire policy;
 - (l) Proposals for monitoring, reporting and mitigation of vibration levels at surrounding residential properties where they are likely to exceed 1mm/s measures peak particle velocity.
 - (m) Proposed contact details and method for dealing with complaints from neighbours

The details of the Demolition/Construction Method Statement shall be strictly adhered to throughout the entirety of the demolition and construction period until completion of the development.

Reason: In the interests of the amenities of the area, the ecological interests of the area, residential amenity and highway safety and convenience.

- 11) 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 amenities.

- 12) 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 the amenities of the area, the ecological interests of the area, residential amenity and highway safety and convenience.

- 13) The details submitted pursuant to Condition (1) shall show
- Dwellings with On-Plot Parking - 1 Active Charging Point* per dwelling
 - Dwellings with unallocated communal parking - 10% Active Charging Spaces with all other spaces to be provided as Passive Charging Spaces
 - Visitor Parking - A minimum of two visitor spaces or 10% of the total visitor provision (whichever is greatest) should be provided with passive charging provisions suitable for future conversion.
 - All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a minimum of 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-approvedchargepoint-model-list>
 - All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

Reason: In order to prevent pollution.

- 14) 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 consumption and sustainability.

- 15) The commencement of the development shall not take place until a survey has been carried out to establish background noise levels affecting the site. The survey shall be

carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out.

A report giving :-

- (a) the results of the survey,
- (b) the predictions of noise levels,
- (c) details of the design measures that will be used to mitigate against traffic noise, and
- (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) (Fast) with windows closed, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted.

Reason: In the interests of the amenity of occupiers.

- 16) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

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

- 17) The details submitted pursuant to condition (1) above shall demonstrate how the development will offset biodiversity loss and enhance the site's biodiversity value by a minimum of 10% when compared to the pre-development baseline. This will include, but not be limited to, the recommendations in section 11 of the Preliminary Ecological Appraisal (Native Ecology May 2021) and shall consist of native species-only landscaping. The approved details will be implemented and thereafter retained.

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

- 18) 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.

- 19) The details submitted pursuant to Condition (1) shall show a structural landscaping scheme which shall include the long-term treatment, including landscaping, boundary treatment, management responsibilities and maintenance schedules (including tree

maintenance). All of the development's landscaping should consist of native species only and bird/bat bricks shall be integrated into the new builds.

Reason: In order to mitigate the visual impact of the proposed development and to ensure biodiversity enhancements.

- 20) The details submitted pursuant to Condition (1) shall show the provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing, in accordance with details to be agreed by the Local Planning Authority.

Reason: In the interests of amenity and sustainable development.

- 21) The details submitted pursuant to Condition (1) shall show a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved development, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated in accordance with the agreed details.

Reason: In the interests of sustainable development.

- 22) The site access details as shown on drawing 49905/5501/005E shall be completed prior to the occupation of any dwelling hereby approved.

Reason: In the interests of highway safety and amenity and sustainable development.

- 23) The proposed 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, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of amenity and sustainable development.

- 24) The following works between a dwelling and the adopted highway shall be completed prior to first occupation of the dwelling:
- (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 amenity and sustainable development.

- 25) The visibility splays as shown on drawing 49905/5501/005E shall be provided and thereafter maintained with no obstructions over 0.9m above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of amenity and sustainable development.

- 26) Provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason: In the interests of amenity and sustainable development.

- 27) 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 49905/5501/004 B and the scheme implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of amenity and sustainable development.

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

Reason: In the interest of promoting energy efficiency and sustainable development, to accord with the principles of policy DM19 of the Local Plan, the NPPF (paragraphs 152 and 154) and the Swale Borough Council Climate and Ecological Emergency Declaration (June 2019).

- 29) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted 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.

- 30) Upon completion, no further development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

Reason: In the interests of the amenities of the area.

- 31) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- 32) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 33) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all dwellings. The infrastructure shall be installed in accordance with the approved details during the

construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

- 34) All hard and soft landscape works shall be carried out in accordance with the details that shall have been approved pursuant to condition (1) above. 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.

- 35) 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. The scheme shall achieve a biodiversity net gain of at least 10% against the existing site conditions. The approved details will be implemented and thereafter retained

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

- 36) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant part of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: To ensure that Secured by Design principles are implemented into the development

- 37) A development brief for the site, developing the (appropriate) details shown in the submitted indicative details, shall be submitted to and approved in writing prior to the submission of the first reserved matters application. Thereafter the details submitted under condition 1 (the reserved matters) shall be informed by the approved development brief.

Reason: In the interests of visual amenities.

- 38) The off-site highway works as shown on drawing number 49905/5501/005 E (including the footway and priority shuttle working on Lynsted Lane) shall be completed prior to the occupation of any dwelling hereby approved.

Reason: In the interests of highway safety and amenity.

INFORMATIVES

- 1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this Act. Breeding bird habitat

is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

- 2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 3) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
- 4) Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs, or other structures which project over the highway. Such works also require the approval of the Highway Authority.
- 5) Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
- 6) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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) Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

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.

