

PLANNING COMMITTEE – 25 MAY 2023**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 - 21/505041/OUT		
APPLICATION PROPOSAL Outline application for the development of up to 63 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities, and service infrastructure works. (Access to Lower Road being sought, all other matters for future consideration)		
ADDRESS Land North of Lower Road Eastchurch Kent		
RECOMMENDATION planning permission is granted subject to conditions and the completion of a Section 106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would provide additional housing adjacent to a settlement identified on the settlement strategy as a tier 4 settlement. Due to the Council's lack of 5-year housing supply the tilted balance in accordance with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh the harm.		
REASON FOR REFERRAL TO COMMITTEE Deferred item from Planning Committee dated 8 March 2023		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT New Homes and Land AGENT Carter Jonas
DECISION DUE DATE 28/12/21	PUBLICITY EXPIRY DATE 01/05/23	CASE OFFICER Carly Stoddart

1. INTRODUCTION

1.1 This application was initially reported to Planning Committee on 8 March 2023 with a recommendation for approval. The Chair invited Members to consider the application and points raised which included:

- The report did not address any of the Parish Council's concerns or set out clearly what their concerns were;
- the report was not clear and lots of information was missing so could not make a decision; and
- could the Council seek to require some affordable housing within the application?

1.2 Following this and a seconded motion for a site meeting, the Planning Committee resolved to defer the application to allow for a site visit to take place.

1.3 The Committee minutes set out the following resolution:

Resolved: That application 21/505041/OUT be deferred to allow the Planning Working Group to meet on site.

- 1.4 The site visit was held on site on Tuesday 4 April 2023. The site meeting allowed for points to be raised and questions to be asked.
- 1.5 In addition to the deferral for a site visit, a review of the report and conditions has been undertaken in light of comments made during the discussion in consideration of this application at the 8 March 2023 Planning Committee.
- 1.6 The original Committee Report is attached to this report as Appendix A.

2. ADDITIONAL INFORMATION

- 2.1 Since the March committee meeting, the applicant has provided the following additional information:
 - An updated Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and Biodiversity Net Gain Calculation.
 - Transport Committee Note.
 - Confirmation of the provision of 15% of the total units as affordable.

3. CONSULTATIONS

- 3.1 Swale Footpaths Group – 30 March 2023
- 3.2 No further comments.
- 3.3 Kent Police – 04 April 2023
- 3.4 No further comments.
- 3.5 KCC Biodiversity Officer – 02 May 2023
- 3.6 It is advised that as the site is predominately intensively farmed arable land, it has relatively low ecological value. Therefore, we are satisfied that biodiversity net-gain can be achieved.
- 3.7 In terms of designated sites, the proposals should fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.
- 3.8 With regard to bats and lighting it is advised that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and be secured via a condition.
- 3.9 The ecology report recommends that that precautionary mitigation strategy should be produced in relation to protected species once the final designs are known. This is accepted as an approach and should be secured via a condition.

- 3.10 Net-gain calculations have now been provided. It is advised that a Landscape and Ecological Management Plan (LEMP) is implemented to ensure that these habitats are established and managed appropriately into the future. A condition is recommended to secure these.

4. APPRAISAL

4.1 Review of Committee Report Presented at 8 March 2023 Planning Committee

Principle of Development

- 4.2 In reviewing the Committee Report for 8 March 2023, this section is found to consider the proposal against relevant planning policy and material considerations.

Landscape

- 4.3 In reviewing the Committee Report for 8 March 2023, the landscape section is found to consider the proposal against relevant planning policy and material considerations.

Design and Layout

- 4.4 In reviewing the Committee Report for 8 March 2023, paragraphs 9.43 and 9.44 refers to policies ST6, CP7, DM24 and DM29. These are all policies from the Local Plan. Paragraph 9.45 of the Committee Report refers to paragraph 127 (a) – (d) of the NPPF. This should be paragraph 130 (a) – (d).

- 4.5 In terms of the submitted illustrative layout, it is acknowledged this is only one way of demonstrating how the quantum of development could be accommodated on site. The layout will be subject to formal consideration at reserved matters stage. Particular attention will be paid at this stage to creating a clear hierarchy of streets enclosed by the positioning of dwellings with their frontages presented to the street. This will assist in legibility, natural surveillance as well as avoiding left over spaces within the development where the function of the space and its contribution to the street scene is questionable.

Living Conditions

- 4.6 In reviewing the Committee Report for 8 March 2023, given the outline nature of the proposal the living conditions section is found to consider the proposal against relevant planning policy and material considerations.

- 4.7 It should be noted that full assessment of garden depths, internal space provision and the location of refuse storage will be assessed in detailed proposals at the reserved matters application stage. However, considering the submitted illustrative layout and the need for the design and layout of the development to landscape led and for substantial areas of landscape to be provided, it is likely that any future layout is likely to result in similar relationships of properties within the site and to those within the adjacent development site.

Highways

- 4.8 In reviewing the Committee Report for 8 March 2023, the highways section is found to consider the proposal against relevant planning policy and material considerations.

- 4.9 The impact on highways was one of the main topics of concern raised by residents and the Parish Council at the site meeting. Whilst concerns are understood, KCC as the Local Highways Authority, and Highways England who are responsible for the strategic network, have not raised any objection to the proposal subject to conditions being attached. To refuse the application on highways grounds would require robust technical evidence to support such reason(s) in defence at appeal.
- 4.10 A Transport Committee Note has been prepared by the applicant in response to questions at the site visit with regard to how the transport surveys and assessments were carried out.
- 4.11 The transport note provides clarity on the modelling approach and agreement with KCC Highways, assessment of road collision data, and an explanation of the benefits of the mobility hub.
- 4.12 The model used to assess the traffic impact of both new developments and transport infrastructure is the Swale Highway Model (SHM) developed by SWECO and KCC. The model is fully validated based on Department of Transport's WebTAG criteria. The model was developed before COVID. It was not possible to undertake surveys at the time of preparing the application and for its submission as the traffic flows were affected by COVID. However, the data provided by KCC is from a validated base and uses growth factors to enable a robust assessment.
- 4.13 The assessment of road safety including road collisions covers the most recent 5 years at the point of writing the Transport Assessment (TA). Whilst citing three serious collisions and three slight collisions within that time, the data does not identify any highway safety issue in the vicinity of the site and KCC Highways have not raised concern with road safety in their consultation responses.
- 4.14 The mobility hub is shown for illustrative purposes only with full details to be worked up and provided as part of reserved matters application stage. A summary of what is included is as follows:
- Relocated / enhanced bus stop to include a bus pull in, covered shelter, and real time passenger information;
 - Lockers for parcel deliveries and collections enabling residents to collect items purchased online following their bus journey;
 - Sheltered cycle parking spaces and a fixed bicycle tyre pump and tools would be provided, enabling residents to easily switch between the two sustainable modes of transport;
 - Parking spaces for parking car club vehicle(s), which will be available for residents to hire when needed, and electric vehicle superfast charging to promote the transition to zero emission vehicles.
- 4.15 The benefits of the mobility hub are listed as:
- Bus use more attractive with significantly enhanced waiting facilities;
 - Lockers to enable delivery and receipt of parcels as part of a multi-modal trip including bus travel;

- Co-location of sustainable travel opportunities; bus; cycle; and car clubs to facilitate interchanges between these modes of travel.

4.16 It is important to note that the development does not rely on the trip savings associated with the deliverability of the mobility hub.

Biodiversity

4.17 In reviewing the Committee Report for 8 March 2023, the biodiversity section concludes the proposal is acceptable when considered against relevant planning policy and material considerations.

4.18 The impact on ecology and biodiversity was another main topic of concern at the site meeting.

4.19 In light of the submission of updated Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and Biodiversity Net Gain Calculation and to provide more detail, the ecological information has been reviewed and is considered sufficient to determine the application.

4.20 In terms of bats and lighting, section 4.19 of the original ecology report refers to lighting design of the development. This should be used as the detailed designs are progressed. The incorporation of sensitive lighting design for bats should be submitted to the Local Planning Authority, as recommended in the ecology report, and secured via a condition with any planning permission.

4.21 Because of the outline nature of the proposal, it is unknown at this time if the small amount of suitable reptile habitat on-site will be impacted and how much breeding bird habitat will be removed. To account for these and other protected species (such as badgers colonising the site for example), the ecology report recommends that that precautionary mitigation strategy should be produced once the final designs are known. This is accepted and it is advised that a precautionary mitigation strategy for the construction phase is secured via a condition with any granted planning permission.

4.22 Under section 40 of the Natural Environment and Rural Communities Act (the NERC Act) (2006) and paragraph 174 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

4.23 As the site is predominately intensively-farmed arable land, it has relatively low ecological value. Therefore, biodiversity net-gain can be achieved. Net-gain calculations have been provided. It is recommended that a Landscape and Ecological Management Plan (LEMP) is implemented to ensure that habitats suggested in the submitted documentation are established and managed appropriately into the future. The LEMP should be secured by condition.

4.24 Subject to the suggested conditions, the proposal is considered acceptable and in accordance with Policy DM28 and paragraphs 174 and 180 of the NPPF.

Flood Risk and Drainage

4.25 In reviewing the Committee Report for 8 March 2023, the flood risk and drainage section is found to consider the proposal against relevant planning policy and material considerations.

Sustainable Design and Construction

- 4.26 In reviewing the Committee Report for 8 March 2023, it concludes that energy efficiency and sustainability would be the driving force in a reserved matters application. However, to ensure sustainable construction of dwellings is fully considered and incorporated into the design it is necessary to secure these requirements at outline stage. As such, conditions are recommended to secure details of the materials and measures to be used to increase energy efficiency and thermal performance, reduce carbon emissions and construction waste and to ensure water efficiency. With the inclusion of the suggested conditions, the proposal would be in accordance with Policy DM19 of the Local Plan.
- 4.27 Reference to Policy DM19 at paragraph 9.82 of the Committee Report refers to a Local Plan Policy.

Heritage

- 4.28 In reviewing the Committee Report for 8 March 2023, the heritage section is found to properly consider the proposal against relevant planning policy and material considerations.
- 4.29 However, paragraph 9.87 of the Committee Report refers to policy 32 and policy 34 of the Local Plan. This reference should be Policy DM32 and Policy DM34.
- 4.30 Paragraph 9.88 of the Committee Report refers to chapter 16 and paragraphs 195, 196 and 201. The chapter and paragraphs are contained within the NPPF. However, the relevant paragraphs should be corrected to read as 201, 202 and 207 (respectively) of the NPPF.
- 4.31 These alterations do not affect the outcome of the assessment consideration of the proposal and the development is in accordance with Policies DM32 and DM34 of the Local Plan and paragraphs 201, 202 and 207 of the NPPF.

Archaeology

- 4.32 In reviewing the Committee Report for 8 March 2023, the archaeology section is found to properly consider the proposal against relevant planning policy and material considerations.

Developer Contributions

- 4.33 As addressed verbally at the Planning Committee on 8 March 2023 and included in the minutes of that meeting, the Heads of Terms of the Section 106 (s106) set out at paragraphs 9.95 and 12.3 of the Committee Report were amended as follows:
- The Strategic Access Management and Monitoring Strategies (SAMMS) payment had increased from £250.39 per dwelling to £275.88 per dwelling; and
 - the inclusion of a monitoring fee
- 4.34 In recognition of concerns raised by Members where the question was asked by Members if affordable housing could be provided, the applicant is now proposing 15% of the total number of units (10 units) as affordable. This also recognises concerns raised at the site meeting where it was felt that the development would not be affordable for local people.

- 4.35 The issue of impact on services was another main topic of concern raised at the site meeting. It is important to recognise that the contributions listed in the original Committee Report have been agreed and will be secured via a s106 agreement should planning permission be granted. These contributions are requested and agreed in terms of addressing the impact from the development itself and therefore cannot address existing issues.

Planning Balance

- 4.36 In reviewing the Committee Report for 8 March 2023, it is noted there are some inaccuracies written within this section of the report. However, these were addressed verbally at the Planning Committee on the 8 March 2023, and it can be seen that the application of the tilted balance has been properly applied considering the proposal against relevant planning policy and material considerations and attaching weight to conclude that the benefits of the provision of housing and the contribution it makes to the 5-yr land supply situation outweigh any harm caused.
- 4.37 To address the inaccuracies within the 8 March 2023 Committee Report and as stated in the minutes from the 8 March 2023 Planning Committee, paragraph 11.3 of the Committee Report incorrectly states harm to landscape character. The paragraph should read as follows:

'It is considered that the proposals would cause not substantial harm to landscape character.'

- 4.38 Paragraph 11.5 of the Committee Report refers to benefits in the form of affordable housing (amongst other things). At the time the original report being considered at Planning Committee on 8 March 2023, no affordable housing was proposed for the site in accordance with Local Plan policy.

However, as stated above since the 8 March 2023 Planning Committee and in recognition of concerns raised by Members where the question was asked by Members if affordable housing could be provided, the applicant is now proposing 15% of the total number of units (10 units) as affordable. This also recognises concerns raised at the site meeting where it was felt that the development would not be affordable for local people.

Other Matters Arising from Letters of Representation and the Site Meeting

- 4.39 The Council currently finds itself in the position of not being able to demonstrate a 5-land supply. Unfortunately, as set out in the original Committee Report and reiterated here, this carries significant weight in weighing up the planning balance for unallocated sites outside of urban or villages boundaries.
- 4.40 With regard to concerns of this application being a fore runner to a larger 500 dwelling development, this cannot form part of the consideration of this application. As with every application, the current proposal has to be considered on its own merits. In any case, the Council would have control over any further development given that any future proposals would require planning permission and therefore the submission of a planning application.

5. CONCLUSION

5.1 The additional information and review of the report and conditions, demonstrate that the development proposals are considered acceptable in terms of officer's recommendation and that the initial recommendation for approval presented to Committee remains justified. However, the review of report and the additional information has resulted in the re-wording, re-ordering and in the inclusion of further conditions as set out below.

6. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS

1. Reserved Matters

Approval of the details of the layout, scale and appearance of the buildings, and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

2. Time Limit: Reserved Matters

Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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. Time Limit: Reserved Matters

The development to which this permission relates must be begun no later than the expiration of 2 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. Approved Drawings

The development hereby approved shall be carried out in broad accordance with the parameters as set out in the following approved plans:

Received on 21 September 2021

Drawing Number 1600.002 Rev A – Site Location Plan

Received on 05 May 2022

Drawing Number 1600.004 Rev B – Parameter Plan

Received 21 July 2022

Drawing Number 205448-PD02 – Proposed Site Access General Arrangement and Visibility

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

5. Within Reserved Matters: Ecological Mitigation Strategy

Within the first reserved matters application, a Precautionary Mitigation Strategy shall be submitted which will be produced in alignment with the recommendations set out in sections 4.20 to 4.26 within the Preliminary Ecological Appraisal (The Ecology Partnership July 2020). The measures shall be implemented in accordance with the approved strategy thereafter.

Reason: To ensure the scheme suitably mitigates against its impact in relation to biodiversity, in accordance with the requirements of Policy DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

6. Within Reserved Matters: Landscaping

Applications for the approval of reserved matters in relation to landscaping submitted in pursuance to condition 1 shall include full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; any decking; any minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, plant sizes and proposed numbers/densities where appropriate). The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies CP4, CP7, DM14, DM28 and DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

7. Within Reserved Matters: Landscape and Ecological Management Plan

Applications for the approval of reserved matters in relation to landscaping submitted in pursuance to condition 1 shall include a Landscape and Ecological Management Plan (LEMP). The content of the LEMP will be based on the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership February 2023) and shall include the following details:

- a. Description and evaluation of features to be managed;
- b. A native species-only planting schedule and source of any seed mixes used;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and objectives of management;
- e. Appropriate management prescriptions for achieving aims and objectives;
- f. Preparation of a work schedule (including an annual work plan);
- g. Details of the body or organisation responsible for implementation of the plan;
- h. Ongoing monitoring and remedial measures; and
- i. The legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall be implemented in accordance with the approved details.

Reason: To ensure the protected of protected species and the delivery of biodiversity enhancements in accordance Policies DM28 and DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

8. Within Reserved Matters: Biodiversity Lighting Plan

Applications for the approval of reserved matters in relation to landscaping in pursuance of condition 1 shall include a Lighting Design Plan (which shall be overlain on the landscape plan) having particular regard for biodiversity. The plan will show the height, external appearance, light intensity, colour and spillage and locations of external lighting, demonstrating that areas to be lit have taken account of the recommendations of the Bat Conservation Trust and the effects of lighting will be minimised with regard to disturbance of bat activity. All external lighting will be installed in accordance with approved Lighting Design Plan and maintained thereafter.

Reason: To ensure the scheme suitably mitigates against its impact in relation to biodiversity, in accordance with the requirements of Policy DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

9. Within Reserved Matters: Parking

Applications for the approval of reserved matters in relation to layout submitted in pursuance to condition 1 shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. No dwelling shall be occupied until the areas shown for parking or garaging has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

10. Within Reserved Matters: Materials

Applications for the approval of reserved matters in relation to appearance submitted in pursuance to condition 1 shall include details of all materials to be used externally. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

11. Within Reserved Matters: Secured By Design

Applications for the approval of reserved matters submitted in pursuance to condition 1 shall include Statement setting out how the development complies with Secured By Design principles. The development shall be implemented in accordance with the approved details which shall thereafter be retained.

Reason: To ensure that the application embeds the principles of Secured By Design in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

12. Within Reserved Matters: Sustainability

Applications for the approval of reserved matters submitted in pursuance to condition 1 shall include a Sustainability Strategy for the provision of the following:

- Open spaces
- A community orchard and food growing
- Electric vehicle charging points
- A mobility hub
- Car share scheme if viable
- Internet shopping lockers
- Cycle storage
- Covered bus stop as opportunity to provide biodiversity gain on the roof

The Sustainability Strategy should also include a timetable for implementation and delivery of the aspects listed above. The development shall be implemented in accordance with the approved details which shall thereafter be retained.

Reason: To ensure that the application embeds the principles of sustainable design and construction in accordance with Policy DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

13. Pre-commencement: Road Layouts and furniture

No development shall take place until details 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 a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: Required prior to commencement of development to ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

14. Pre-commencement: Surface Water Drainage Baseline

Applications for the approval of reserved matters in relation to layout submitted in pursuance to condition 1 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 in accordance with Policies DM14 and DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

15. Pre-commencement: Surface Water Drainage Scheme

No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the Flood Risk Assessment dated August 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 at a rate equivalent of 10.6l/s without increase to flood risk on or offsite.

The drainage scheme shall also include (with reference to published guidance:

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable)
- ii. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- iii. A timetable for its implementation
- iv. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- v. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure the development is served by satisfactory arrangements for the disposal of surface water that is intrinsic to the design and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with Policies DM14 and DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

16. Pre-Commencement: Land Contamination Compliance

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 17 to 20 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 20 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy paragraph 183 of the National Planning Policy Framework 2021.

17. Pre-commencement: Contamination Investigation and Report

No development shall take place until a desktop study and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. desktop study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 -
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

18. Pre-commencement: Contamination Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

19. Pre-commencement: Contamination Implementation and Verification

No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with paragraph 183 of the National Planning Policy Framework 2021.

20. Pre-commencement: Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which shall be submitted to and approved in writing by the Local Planning Authority.

The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 18 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with paragraph 183 of the National Planning Policy Framework 2021.

21. Pre-commencement: Construction Environment Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting, pollution incident control measures, wheel chassis cleaning facilities, routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, temporary traffic management / signage and site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on, residential amenity and highway safety (on the local and national networks) with regard to Policies DM6 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

22. Pre-Commencement: Energy Efficiency

No development shall take place until 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: To ensure the development delivers energy efficiency measures to address climate change in accordance with Bearing Fruits 2031: The Swale Borough Local Plan 2017.

23. Pre-Occupation: Water Efficiency

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

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with Policy DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

24. Pre-Occupation: SWDS Verification Report

No building within the development hereby permitted shall be occupied (or within an agreed implementation schedule) until a signed verification report carried out by a qualified drainage engineer (or equivalent) has been submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems has been constructed as per the agreed scheme and plans. The report shall include information and evidence (including photographs) of details and locations of critical drainage infrastructure (such as inlets, outlets and control structures, landscape plans) including as built drawings, and an operation and maintenance manual for the unadopted parts of the 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 167 of the National Planning Policy Framework 2021.

25. Pre-Occupation: Off-site Highway Works

No dwelling shall be occupied until the off-site highway works to provide the footway, bus lay-by, bus shelter and carriageway realignment as shown on drawing numbers 205448-PD01 Rev C and 205448-A02 Rev G have been constructed and available for use. In the event of the footway approved by planning permission 18/500887/FULL not having been constructed, the alternative off-site highway works to provide the footway, bus lay-by, bus shelter and carriageway realignment as shown on drawing numbers 205448-PD02 and 205448-A05 shall be constructed and available for use.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

26. Pre-Occupation: Highways Works

No dwelling shall be occupied until the following works between the dwelling and the adopted highway 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: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

27. Pre-Occupation: Visibility Splays

The access shall not be used until vision splays have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 1.2m above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

28. Pre-Occupation: EV Charging

Each dwelling shall not be occupied until an electric vehicle charger has been provided for that dwelling. Electric vehicle chargers for homeowners within the development herein approved must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection) (or to a subsequent equivalent amending standard). All electric vehicle chargers for visitor spaces shall be provided before the space is brought into use. All electric chargers shall thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

29. Pre-Occupation: Cycle Storage

No dwelling shall be occupied until details of the cycle storage arrangements for the dwellings, has been submitted to and approved in writing by the Local Planning Authority. No dwelling

shall be occupied until the approved cycle storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

Reason: To provide cycle storage facilities of an appropriate design and in a safe and secure location in accordance with Policy DM7 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

30. Pre-Occupation: Boundary Treatment

No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

31. Pre-Occupation: Refuse Storage

No dwelling shall be occupied until details of the refuse storage arrangements for the dwellings, including provision for the storage of recyclable materials, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

32. Pre-Occupation: High Speed Broadband

No dwelling shall be occupied until details for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to all dwellings have been submitted to and approved in writing by the Local Planning Authority. The infrastructure capable of connection to commercial broadband providers shall be installed in accordance with the approved details and shall be maintained thereafter.

Reason: To provide high quality digital infrastructure in new developments in accordance with Policy CP6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

33. Wheelchair Accessible Dwellings

A minimum of 5 of the dwellings hereby approved shall be provided as wheelchair accessible dwellings and the remaining dwellings should be provided as accessible and adaptable dwellings in accordance with Volume 1: Dwellings of Approved Document M – Access to and use of buildings 2015 Edition (as amended by 2016) of the Building Regulations 2010 (or any amending Regulation)

Reason: To ensure inclusive design in accordance with Policies CP3 and CP4 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

34. Hours of Working: Construction

No construction in relation to the development herein approved shall take place outside the hours of 0730-1800 Mondays to Fridays (inclusive) and 0800–1300 on Saturday and not at any time on Sunday or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

35. Hours of Working: Piling

No impact pile driving in connection with the construction of the development shall take place outside the hours of 0900-1700 Monday to Friday (inclusive) and not at any time on Saturday, Sunday or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

INFORMATIVES

Building Regulations

1. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.

Highways

2. 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.
3. 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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
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/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.
8. Approved electric charger models for homeowners are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Public Rights of Way

9. The applicant will need to apply to divert the path ZR189 where the existing route will be affected by the development as well as for any temporary closure. The applicant is advised to engage directly with KCC PROW for details of this process.
KCC PROW advise that:
 - No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority
 - There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
 - No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Rights of Way.
 - Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority.
 - No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, six weeks' notice is required to process this.

Construction Environmental Management Plan

10. As the development involves construction the applicant is advised to take account of the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at:
<https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

Flood and Drainage

11. Given that the ground properties are described as impermeable it is expected for it to be explained as part of the detailed design for reserved matters application(s), as to how water falling on the undeveloped areas of the land within the red line boundary does not enter the positively drained system.
12. It is expected that the surface water flow path evident through the site on the Environment Agency's Flood Map for Surface Water, is to be considered as part of the detailed design for reserved matters application(s).
13. The proposed development will require land drainage consent in line with the Lower Medway Internal Board's byelaws (specifically byelaw 3). The Lower Medway Internal Board can be contacted at enquiries@medwayidb.co.uk or on (01622) 758345

Sewers

14. 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.

Broadband

15. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

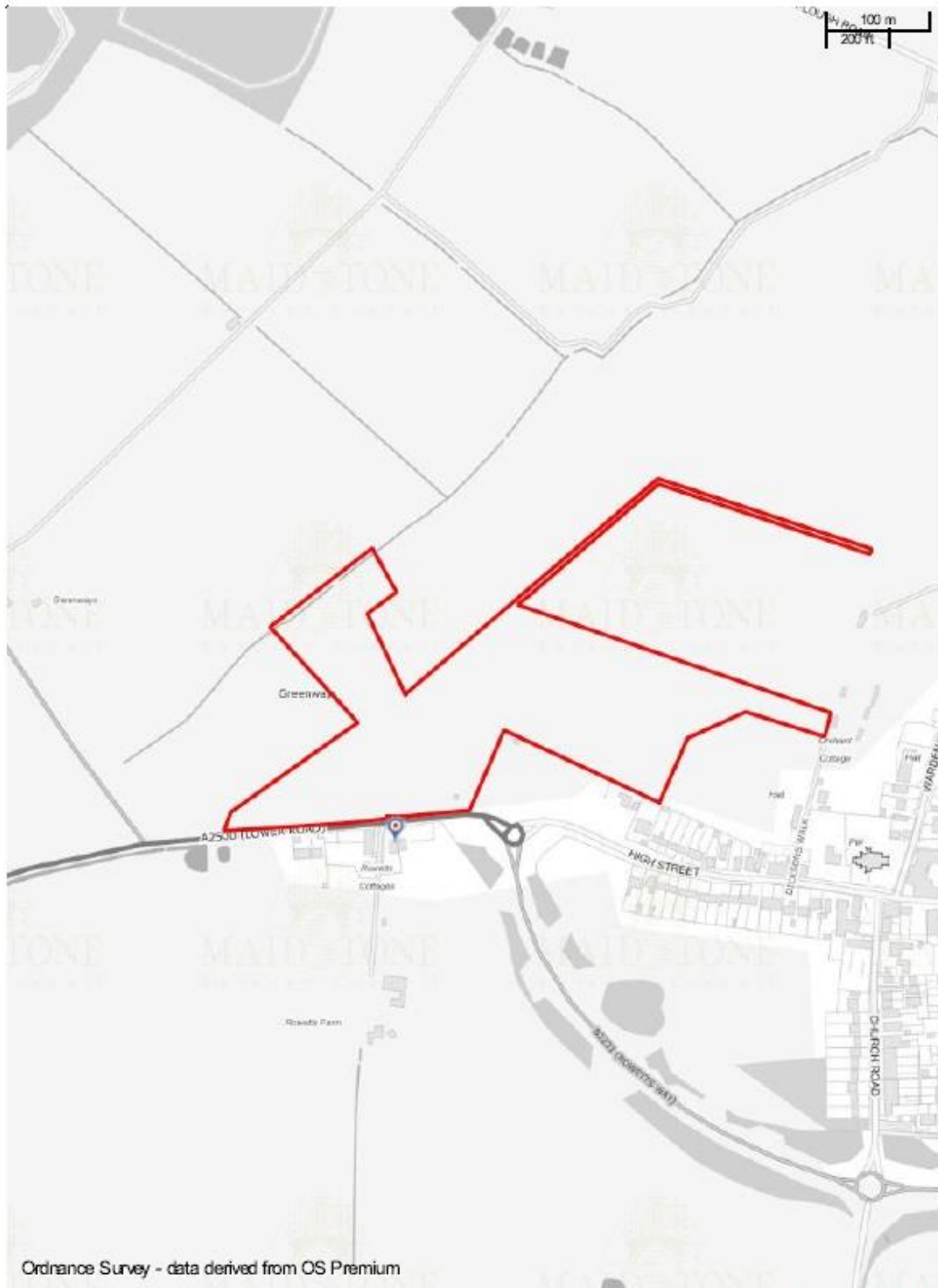
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (the NPPF) the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Ordnance Survey - data derived from OS Premium

21/505041/OUT - Land North of Lower Road, Eastchurch, Kent
Scale: 1:5000
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