

PLANNING COMMITTEE – 18 JULY 2024

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from the 23 May 2024 Meeting.

DEF ITEM 1 REFERENCE NO - 23/505541/REM		
PROPOSAL Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT.		
SITE LOCATION Land Between Frognal Lane and Orchard View, Lower Road, Teynham		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and a Deed of Variation to the S106 legal agreement with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary.		
APPLICATION TYPE Major – Reserved Matters		
REASON FOR REFERRAL TO COMMITTEE Ward Councillors Lloyds Bowen and Julian Speed request the application be determined by the Planning Committee. Parish Council objection. Letters of representation from more than three separate addresses received within the specified representation period based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee.		
Case Officer Matt Duigan		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT C/O Agent AGENT Chartway
DATE REGISTERED 22/12/2023		TARGET DATE 18/07/2024
BACKGROUND PAPERS AND INFORMATION: <u>23/505541/REM Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new</u>		

infrastructure including access, parking and landscaping pursuant to 16/507689/OUT. | Land Between Froggnal Lane And Orchard View Lower Road Teynham Kent ME9 9TU (midkent.gov.uk)

1. INTRODUCTION

- 1.1 This application was initially reported to Planning Committee on 23 May 2024, with a recommendation that permission be granted. The original Committee report is attached at Appendix A.
- 1.2 The Planning Committee resolved to defer the determination of the application. The draft minutes from the 23 May 2024 Committee meeting are attached at Appendix B of this report, in summary the application was deferred to allow officers to undertake further negotiations in relation to the following:
- Clarifying the air quality impacts and mitigation measures.
 - Improving the capacity of the local sewerage network.
 - Extending the length of the lease for allotments and sports facilities.
 - Provision of health care.

2. RESPONSE TO REASONS FOR DEFERRAL

2.1 Air Quality

- 2.2 Vehicle emissions arise from the combustion of fossil fuels in vehicle engines and their subsequent release to atmosphere via tailpipe exhausts. The most significant pollutants released by cars and other vehicles are oxides of nitrogen (NO₂/NO_x) and fine particulate matter (PM₁₀ and PM_{2.5}).
- 2.3 As it is elevated annual mean concentrations of NO₂ and PM₁₀ that have resulted in the declaration the AQMAs these are the pollutants of most concern and they have therefore been the focus of the Applicant's air quality assessment submitted with the outline application.
- 2.4 The Council's Air Quality Officer advised that the modelled predictions for NO₂ and PM₁₀ concentrations at receptors along the A2 London Road indicate that these would be below the Government's air quality objectives as a result of the development. Mitigation measures were suggested in line with an emissions cost calculation for the development.
- 2.5 The Council's Air Quality Officer advised that since monitoring of PM_{2.5} in Newington and St Paul's Street show low concentrations, for example, the highest annual mean PM_{2.5} monitoring results (µg/m³) in 2022 at Newington was 12.4 µg/m³ (less than the National Air Quality Objective which is 20 µg/m³).
- 2.6 Condition 38 imposed on the outline permission requires a scheme of mitigation measures in relation to improving air quality to be approved prior to occupation of any dwellings. The current proposals would not change the findings approved as part of the outline permission, and subject to compliance with condition 38, the application would accord with Local Plan Policy DM6.
- 2.7 The Air Quality Officer has advised that air quality has improved since the air quality assessment was undertaken in association with the outline permission, impacts associated

with the development would be less than originally identified, which in any event were all below the government threshold (objective).

- 2.8 Officers highlight that air quality impacts falls outside of the lawful scope of determination of this reserved matters application as it was fully considered at outline stage along with mitigation being secured. The considerations of this application relate to the appearance, landscaping, layout and scale of the proposal.
- 2.9 Sewerage network
- 2.10 Under the Water Industry Act 1991, Southern Water have a statutory duty to maintain a suitable sewer network and provide the opportunity for all domestic properties to connect to the public sewer system. This represents a 'right to connect' which prevents Southern Water from refusing new connections.
- 2.11 Simultaneously, Southern Water have a statutory duty to ensure that the service it provides to its existing customers (in this case surrounding Teynham residents) does not deteriorate as a result of new homes being built. This is done through a programme of targeted network upgrades and reinforcement, which should align with planned new developments coming forward on allocated sites.
- 2.12 A condition was imposed on the outline permission (33) which required details of foul water drainage to be approved prior to construction. Southern Water advised that there are capacity constraints with the current sewerage system and sewer network enhancements would be required before more than 50 dwellings are occupied on the application site.
- 2.13 While this matter is not one that should be controlled through the planning regime the applicant has agreed to the occupation restriction. Southern Water have confirmed that they are looking to design and implement enhancements to the sewer network so the development can be fully occupied.
- 2.14 Officers highlight that the existing and future sewerage network falls outside of the lawful scope of determination of this reserved matters application. The considerations of this application relate to the appearance, landscaping, layout and scale of the proposal.
- 2.15 Lease length
- 2.16 At present the lease for sports facilities and allotments end after 25-years. Concerns were raised that the 25-year limit could mean future generations do not benefit from the facilities and allotments. The Applicant has agreed to either transfer ownership of the allotments and sports facilities (including the Pavilion) to the Parish Council or to change the length of the leases to reflect it being in place for 100 years at a pepper corn rent.
- 2.17 This is an improvement over the existing S106 provisions, where rent for the allotments is not currently secured at a pepper corn rent.
- 2.18 Provision of health care.
- 2.19 While there is no resistance to altering the wording of the legal agreement to allow Health Care funding to be directed to an available facility in Teynham, the Applicant has not agreed to go above the existing planning obligations relating to health care.

- 2.20 The Community Infrastructure Levy Regulations 2010 set out three tests for planning obligations, namely:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 2.21 Planning obligations can't be imposed to correct an existing deficiency (such as the closure of the GP surgery in Teynham). Health care is still being delivered by the NHS, albeit from Sittingbourne. While the concerns are acknowledged, it would not be reasonable to prevent the development from proceeding until the NHS deliver a GP surgery in Teynham.
- 2.22 Officers highlight that the consideration of healthcare falls outside of the lawful scope of determination of this reserved matters application. The considerations of this application relate to the appearance, landscaping, layout and scale of the proposal.

3. CONCLUSION

- 3.1 It is considered that the proposed revisions address the reasons for deferral and pursue matters relating to air quality, the sewerage network and healthcare would not be reasonable for the reasons set out within this report. It is recommended that the application be approved subject to the Deed of Variation relating reallocation of healthcare funds and the revisions to the lease clauses within the Section 106 being secured.

CONDITIONS

1. Plans

The development hereby permitted shall take place in accordance with the following plans:

Location Plan 3097-A-1000-PL-B
 Site Layout 3097-A-1005-PL-S
 Site Layout 3097-C-1005-PL-S
 Sports Pitches 3097-A-1150-PL-E
 Parking Plan 3097-A-1700-PL-G
 Refuse Strategy Plan 3097-A-1701-PL-G
 Garden Compliance Plan 3097-A-1702-PL-G
 Tenure Plan 3097-A-1703-PL-K
 Materials Plan 3097-A-1704-PL-G
 Boundary Treatments Plan 3097-A-1705-PL-H
 Part M Compliance Plan 3097-A-1706-PL-G
 Dwelling Distribution Plan 3097-A-1707-PL-G
 PV Plan 3097-A-1708-PL-G
 Street Elevations 3097-C-1010-PL- F
 Street Elevations 3097-C-1011-PL- F
 Pumping Station PT10182 - 001
 Sub Station EDS 07-3102.01 A
 Lighting Plan Onsite Lighting Plan
 Betony - Plans Elevations Semi-Detached 3097-C-3000-PL-A
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3005-PL-B
 Daisy - Plans Elevations 3097-C-3006-PL-A
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3007-PL-B
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3008-PL-A
 Daisy + Carport - Plans & Elevations (Semi-Detached) 3097-C-3010-PL-C

Daisy Carport - Plans Elevations Semi-Detached 3097-C-3011-PL-A-
Daisy & Betony - Plans Elevations Terrace x3: 3097-C-3015-PL-A
Daisy Betony + Carport - Plans Elevations (Terrace x3) 3097-C-3016-PL-C
Daisy & Betony + Carport - Plans & Elevations (Terrace x3) 3097-C-3016-PL-B
Daisy Betony - Plans Elevations Terrace x4: 3097-C-3025-PL-A
Daisy & Betony (Terrace x4) 3097-C-3026-PL-B
Daisy Betony - Plans Elevations Semi-Detached 3097-C-3030-PL-E
Goldcrest M4(2) Floor Plans and Elevations 3097-C-3035-PL-A
Goldcrest Carport - Plans Elevations Semi-Detached 3097-C-3040-PL-A
Elder - Plans & Elevations (Semi-Detached) 3097-C-3045-PL-C
Elder - Plans Elevations Semi-Detached 3097-C-3046-PL-A
Elder - Plans Elevations Semi-Detached 3097-C-3047-PL-B
Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3050-PL-D
Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3051-PL-D
Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3052-PL-B
Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3053-PL-A
Elder Betony - Plans Elevations Terrace 3: 3097-C-3055-PL-A
Elder Betony - Plans Elevations Terrace 3: 3097-C-3056-PL-A
Betony - Plans Elevations Terrace 4: 3097-C-3060-PL-A-Elder
Elder Betony Carport - Plans Elevations Terrace 4: 3097-C-3065-PL-A
Elder Betony - Plans Elevations Terrace 5: 3097-C-3070-PL-A
Elder Daisy - Plans Elevations Semi-detached 3097-C-3075-PL-A
Elder, Betony Daisy - Plans Elevations Terrace x3: 3097-C-3080-PL-A
Lupin - Plans Elevations Detached 3097-C-3085-PL-A
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3086-PL-B
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3087-PL-B
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3088-PL-A
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3090-PL-D
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3091-PL-C
Lupin - Plans Elevations Semi-Detached 3097-C-3095-PL-A
Lupin Plans semi-detached 3097-C-3096-PL-B
Lupin Carport- Plans Elevations Semi-detached 3097-C-3100-PL-D
Lupin Carport- Plans Elevations Semi-detached 3097-C-3101-PL-B
Lupin Carport- Plans Elevations Semi-detached 3097-C-3102-PL-C
Lupin Elder Carport- Plans Elevations Semi-detached 3097-C-3105-PL-B
Osprey - Plans & Elevations (detached) 3097-C-3125-PL-C
Osprey - Plans & Elevations (detached) 3097-C-3126-PL-B
Osprey - Plans & Elevations (Semi-detached) 3097-C-3130-PL-E
Osprey - Plans & Elevations (Semi) 3097-C-3135-PL-C
Osprey & Betony- Plans & Elevations (Semi-Detached) 3097-C-3140-PL-D
OspreyBetony- Plans Elevations (Semi-Detached)3097-C-3141-PL-D
Osprey and Betony and Carport- Plans Semi-Detached 3097-C-3145-PL-D
Osprey & Elder - Plans & Elevations (Semi-Detached) 3097-C-3150-PL-C
Osprey & Elder - Plans & Elevations (Semi-Detached) 3097-C-3155-PL-C
Osprey & Lupin - Plans & Elevations (Semi-Detached) 3097-C-3160-PL-D
Osprey & Lupin - Plans & Elevations (Semi-Detached) 3097-C-3161-PL-C
Redwing + Carport - Plans & Elevations (Detached) 3097-C-3165-PL-C
Redwing + Carport - Plans & Elevations (Detached) 3097-C-3166-PL-C
Redwing + Carport - Plans & Elevations (Semi-detached) 3097-C-3170-PL-C
Redwing + Carport - Plans & Elevations (Semi-detached) 3097-C-3170-PL-A
Block B Affordable Floor Plans 3097-A-3210-PL-D
Block C and D Affordable Floor Plans 3097-A-3220-PL-B
Block B Affordable Elevations 3097-C-3211-PL- E
Block C Affordable Elevations 3097-C-3221-PL-B
Block D Affordable Elevations 3097-C-3222-PL-A

Stores 3097-A-3300-PL-C
Car Ports 3097-A 3301-PL-B
Pavilion 3097-C-3510-PL-C
Design and Access Statement Rev A
Landscape and Public Realm Strategy 3136-APA-ZZ-XX-DS-L-4001 P05
Public Open Space General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1002 P11
Public Open Space General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1003 P11
Public Open Space General Arrangements Plans 3136-APA-ZZ-00-LA-L-1004 P11
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1005 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1006 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1007 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1008 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1009 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1010 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1011 P10
Planting Proposal Key plan 3136-APA-ZZ-00-PS-L4202 P06
Open Space Planting Proposal Sheet 1 of 9: 3136-APA-ZZ-00-PP-L-2001 P06
Open Space Planting Proposal sheet 2 of 9: 3136-APA-ZZ-00-PP-L-2002 P06
Open Space Planting Proposal Sheet 3 of 9: 3136-APA-ZZ-00-PP-L-2003 P06
Open Space Planting Proposal Sheet 4 of 9: 3136-APA-ZZ-00-PP-L-2004 P06
Open Space Planting Proposal Sheet 5 of 9: 3136-APA-ZZ-00-PP-L-2005 P06
Open Space Planting Proposal Sheet 6 of 9: 3136-APA-ZZ-00-PP-L-2006 P06
Open Space Planting Proposal Sheet 7 of 9: 3136-APA-ZZ-00-PP-L-2007 P06
Open Space Planting Proposal Sheet 8 of 9: 3136-APA-ZZ-00-PP-L-2008 P06
Open Space Planting Proposal Sheet 9 of 9: 3136-APA-ZZ-00-PP-L-2009 P06
Residential Area Planting Plans Sheet 1 of 7: 3136-APA-ZZ-00-PP-L-2010 P08
Residential Area Planting Plans: Sheet 2 of 7: 3136-APA-ZZ-00-PP-L-2011 P08
Residential Area Planting Plans Sheet 3 of 7: 3136-APA-ZZ-00-PP-L-2012 P08
Residential Area Planting Plans Sheet 4 of 7: 3136-APA-ZZ-00-PP-L-2013 P08
Residential Area Planting Plans Sheet 5 of 7: 3136-APA-ZZ-00-PP-L-2014 P08
Residential Area Planting Plans Sheet 6 of 7: 3136-APA-ZZ-00-PP-L-2015 P08
Residential Area Planting Plans Sheet 7 of 7: 3136-APA-ZZ-00-PP-L-2016 P08
Plant Schedule - Open Space Areas 3136-APA-ZZ-00-PS-L4201 P05
Plant Schedule – Residential Areas 3136-APA-ZZ-00-PS-L4202 P04
Plant Schedule and Horticultural Notes 3136-APA-ZZ-00-PS-L4202 P06
Public Open Space Area Schedule 3136-APA-ZZ-00-LA-L-1012 P10
Allotment Redesign 3136-APA-ZZ-00-SK-L-0005 P1
Site Location Plan CON608-3890 P04
Site Wide Proposed External Levels (Sheet 1 of 2) CON608-3880 P03
Site Wide Proposed External Levels (Sheet 2 of 2) CON608- 3881 P03
Open Space Levels Sections Key Plan CON608-3900 P04
Open Space Levels Sections Sheet 1 of 6: CON608-3901 P04
Open Space Levels Sections Sheet 2 of 6: CON608-3902 P04
Open Space Levels Sections Sheet 3 of 6: CON608-3903 P04
Open Space Levels Sections Sheet 4 of 6: CON608-3904 P03
Open Space Levels Sections Sheet 5 of 6: CON608-3905 P04
Open Space Levels Sections Sheet 6 of 6: CON608-3906 P04
Residential Site Levels Sections Key Plan CON608-3907 P03
Residential Site Levels Sections 1 of 16: CON608-3908 P03
Residential Site Levels Sections 2 of 16: CON608-3909 P03
Residential Site Levels Sections 3 of 16: CON608-3910 P04
Residential Site Levels Sections 4 of 16: CON608-3911 P03
Residential Site Levels Sections 5 of 16: CON608-3912 P04
Residential Site Levels Sections 6 of 16: CON608-3913 P04
Residential Site Levels Sections 7 of 16: CON608-3914 P03

Residential Site Levels Sections 8 of 16: CON608-3915 P03
Residential Site Levels Sections 9 of 16: CON608-3916 P03
Residential Site Levels Sections 10 of 16: CON608-3917 P03
Residential Site Levels Sections 11 of 16: CON608-3918 P03
Residential Site Levels Sections 12 of 16: CON608-3919 P04
Residential Site Levels Sections 13 of 16: CON608-3920 P04
Residential Site Levels Sections 14 of 16: CON608-3921 P04
Residential Site Levels Sections 15 of 16: ON608-3922 P03
Residential Site Levels Sections 16 of 16 CON608-3923 P03
Site Wide Proposed Drainage (2 Sheets) CON608-3885 P06
Site Wide Proposed Drainage (2 Sheets) CON608-3886 P06
Site Wide Drainage Manhole Schedules CON608-3887 P03
Site Wide Drainage Catchment Plan CON608-3888 P03
Site Wide Drainage Construction Details (Sheet 1) CON608-3891 P00
Site Wide Drainage Construction Details (Sheet 2) CON608-3892 P00
Site Wide Drainage Construction Details (Sheet 3) CON608-3893 P00
Site Wide Drainage Construction Details (Sheet 4) CON608-3894 P01
Site Wide Drainage Construction Details (Sheet 5) CON608-3895 P02
Site Wide Drainage Construction Details (Sheet 6) CON608-3896 P02
Site Wide Drainage Construction Details (Sheet 7) CON608-3897 P01
Site Wide Drainage Construction Details (Sheet 8) CON608-3898 P01
Site Wide Drainage Construction Details (Sheet 9) CON608-3899 P01
Basin A Levels Sections CON608-3925 P03
Basin B Levels Sections CON608-3926 P03
Basin C Levels Sections CON608-3927 P03
Residential Site Visibility Splays CON608-3865 P03
Residential Site Swept Paths Sheet 1 of 4: CON608-3866 P03
Residential Site Swept Paths Sheet 2 of 4: CON608-3867 P03
Residential Site Swept Paths Sheet 3 of 4: CON608-3868 P03
Residential Site Swept Paths Sheet 4 of 4: CON608-3869 P03
Site Wide Earthworks and Proposed Levels S38-278 Sheet 2 of 2: CON608-3879 P04
Site Wide Earthworks and Proposed Levels S38-278 Sheet 1 of 2: CON608-3878 P04
Site Wide Earthworks CON608-3877 P03
Site Wide Earthworks Sheet 2 of 2: CON608-3876 P06
Site Wide Earthworks Sheet 1 of 2 CON608-3875 P06
Surface Water Drainage Network 1 Basin C
Surface Water Drainage Network 2 Basin A and B
Surface Water Drainage Network 3 Trench Soakaway
Surface Water Drainage Network 4 Crate Soakaway
Residential Site Road Construction Details 1 of 3: CON608-3930 P00
Residential Site Road Construction Details 2 of 3: CON608-3932 P00
Residential Site Road Construction Details 3 of 3: CON608-3933 P00
S38/278 Site Access Roundabout General Arrangement Plan CON608-3700 C01
S38/278 site access roundabout swept path analysis (1 of 2) CON608-3701 C01
S38/278 site access roundabout swept path analysis (2 of 2) CON608-3702 C01
S38/278 Site Access Roundabout Entry Path Curvature CON608-3703 C01
S38-278 Site Access Roundabout Sections Key Plan CON608-3704 C01
S38-278 Site Access Roundabout Long-sections (1 of 2) CON608-3705 C01
S38-278 Site Access Roundabout Long-sections (2 of 2) CON608-3706 C01
S38-278 Site Access Roundabout Cross-sections CON608-3707 C01
S38-278 Site Access Roundabout Levels Contours Plan CON608-3708 C01
S38-278 Site Access Roundabout Site Clearance CON608-3709 C01
S38-278 Site Access Roundabout Pavement Plan CON608-3710 C01
S38-278 Site Access Roundabout Drainage CON608-3711 C01
S38-278 Site Access Road General Arrangement CON608-3720 C01

S38-278 Site Access Road General Arrangement CON608-3721 C02
S38-278 Site Access Road, Swept Paths (1 of 2) CON608-3722 C02
S38-278 Site Access Road Sections Key Plan CON608-3723 C01
S38-278 Site Access Road Sections Key Plan P05 CON608-3724 C02
S38-278 Site Access Road Long-Sections (1 of 3) CON608-3725 C01
S38-278 Site Access Road Long-Sections (2 of 3) CON608-3726 C01
S38-278 Site Access Road Long-Sections (3 of 3) CON608-3727 C01
S38-278 Site Access Cross-sections CON608-3728 C02
S38-278 Site Access Road & Roundabout Details (1 of 8 Sheets) CON608-3712 C01
S38-278 Site Access Road & Roundabout Details (2 of 8 Sheets) CON608-3713 C01
S38-278 Site Access Road & Roundabout Details (3 of 8 Sheets) CON608-3714 C01
S38-278 Site Access Road & Roundabout Details (4 of 8 Sheets) CON608-3715 C01
S38-278 Site Access Road & Roundabout Details (5 of 8 Sheets) CON608-3716 C01
S38-278 Site Access Road & Roundabout Details (6 of 8 Sheets) CON608-3717 C01
S38-278 Site Access Road & Roundabout Details (7 of 8 Sheets) CON608-3718 C01
S38-278 Site Access Road & Roundabout Details (8 of 8 Sheets) CON608-3719 C01
S38-278 Site Access Road Levels Contours Plan (2 Sheets) CON608-3730 C01
S38-278 Site Access Road Levels Contours Plan (2 Sheets) CON608-3731 C02
S38-278 Site Access Road Swept Paths (2 of 2) CON608-3732 C02
S38-278 Site Access Road Site Clearance CON608-3733 C02
S38-278 Site Access Road Pavement Plan CON608-3734 C01
S38-278 Site Access Road Pavement Plan CON608-3735 C01
S278 Site Access off Froggnal Lane Pavement Plan CON608-3774 C01
S278 Site Access off Froggnal Lane Site Clearance CON608-3775 C02
S278 Site Access off Froggnal Lane Construction Details (1 of 2) CON608-3776 C01
S278 Site Access off Froggnal Lane Construction Details (2 of 2) CON608-3777 C01
S278 Site Access off Froggnal Lane Construction Details (sheet 3) CON608-3778 C01
S38-278 Roundabout and Site Access Setting Out - Sheet 1: CON608-3795 C01
S38-278 Roundabout and Site Access Setting Out - Sheet 2: CON608-3796 C01
S38-278 Roundabout and Site Access Setting Out - Sheet 3: CON608-3797 C02
S278 London Road Loading Bay and Site Clearance CON608-3810 C01
S278 London Road Loading Bay Swept Paths CON608-3811 C01
S278 London Road Loading Bay Levels and Pavement CON608-3812 C01
S278 London Road Loading Bay Construction Details CON608-3813 C01
S278 London Road Loading Bay Construction Details Sheet CON608-3814 C01
S278 London Road PROW General Arrangement CON608-3850 P04
S38-278 Overall Highway Drainage Contribution Areas CON608-3862 P02
S38-278 Overall Highway Drainage Contribution Areas P01: CON608-3863 P03
S38-278 Site Access Roundabout Gully Catchment Plan P01: CON608-3871 P02
S38-278 Site Access Roundabout Gully Catchment Plan P01: CON608-3872 P02
S38-278 Site Access Roundabout Drainage Long Sections CON608-3873 P01
S38-278 Site Access and Roundabout Legal Plan CON608-3874
S38-278 Site Access Road Gully Catchment Plan (2 Sheets) CON608-3739 P02
S38-278 Site Access Road Gully Catchment Plan (2 Sheets) CON608-3740 P03
S38-278 Site Access Road Drainage CON608-3737 C01
S38-278 Site Access Road Drainage CON608-3738 C02
Road General Arrangement CON608-3950 P00
Site Access Roundabout Construction Details CON608-4000 C01
S278 Site Access off Froggnal Lane GA CON608-3770 C02
S278 Site Access off Froggnal Lane Swept Paths CON608-3771 C02
S278 Site Access off Froggnal Lane Sections CON608-3772 C02
S278 Site Access off Froggnal Lane Levels, Contours and Gully Catchment CON608-3773 C01
Preliminary Exploratory Hole Logs
BRE 365 & Falling Head Testing
Drainage Maintenance Schedule CON608_001_002

Boundary Sections 3097 A 1015 PL B
Maintenance access 3136-APA-ZZ-00-SK-L-0006 P01

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

2. Materials

No development beyond the construction of foundations shall take place until further details of boundary treatment, construction details of buildings and 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.

Details and samples of materials shall be provided for windows, areas of glazing, balconies, soffits building entrances, and any other materials, presented on a materials palette board, accompanied by elevation drawings indicating exactly where the materials are to be used.

Material samples and sample panels shall be placed/ erected on the site before the application to discharge the condition is submitted and made available for inspection.

Thereafter the development shall be built in accordance with the approved details.

Reason: In the interest of visual amenity.

3. Substation and pumping station

Prior to work to install the electrical substation and foul water pumping station, full plans, elevations and details of both installations, including any fencing and associated compound shall be submitted to and approved by the Local Planning Authority.

Prior to the first use of the electricity substation or the foul water pumping station an acoustic report for both installations and an odour assessment for the foul water pumping station shall be submitted to and approved in writing by the Local Planning Authority. The reports and assessment shall address the issue of noise (including low frequency noise) and vibration from both installations and odour from the foul water pumping station to ensure that there is no loss of amenity to residential or commercial properties.

The noise and vibration assessment scheme shall ensure that the low frequency noise emitted from the electrical substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45).

The electrical substation and foul water pumping station shall be maintained in a condition so that they comply with the levels and mitigation measures specified in the approved acoustic report and odour assessment for the life of the development.

Reason: To protect the amenity of future and existing occupiers.

4. Historical interpretation

No occupation of any building shall take place until a scheme of historical (including built heritage assets being Claxfield House and Claxfield Farmhouse) and archaeological interpretation has been submitted to and approved in writing by the Local Planning Authority. Examples of how to relay and interpret the archaeology and history of the site can include, but

are not limited to, the use of materials, landscaping, public art and the provision of historical interpretation boards. The details submitted pursuant to this condition shall include location, design, dimensions and materials of any fixed interpretation.

The interpretation scheme shall be carried out in full accordance with the approved details prior to the first occupation of any new dwelling and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness.

5. External lighting

No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning. This scheme shall include the Upward Light Ratio, Assessment of the sports pavilion and any illuminated pitches and Vertical spill at nearest receptors. The scheme of lighting shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: To ensure lighting is sufficient and does not adversely impact on residential amenity.

6. Management and maintenance

Prior to occupation, a Management and Maintenance Plan relating to non-private external spaces shall be submitted to and approved by the Local Planning Authority. The Management and Maintenance Plan shall set out:

- The scope of maintenance and management, to include roads, parking, footways, play, open space areas, boundary treatment and landscape buffers (excluding sports facilities and allotments).
- Roles and responsibilities of those carrying out maintenance and management of the site.
- The process for appointing those who will undertake management and maintenance.
- Operational procedures for inspections, repairs and non-planned maintenance such as dealing with graffiti.
- Timing and frequency of maintenance.

Thereafter the site shall be managed and maintained in accordance with the approved Management and Maintenance Plan for the life of the development.

Reason: To ensure the development continues to be accessible, to protect residential amenity and to ensure necessary infrastructure and facilities are available for the use of future residents.

7. Sports Facilities

a) Within 6 months of commencement of development, the following documents shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:

- (i) A programme of implementation of sports pitches and pavilion.

- (ii) Clear details over how the playing field will be inaccessible to vehicles other than those purposed for maintenance activity via gated access.
- (iii) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (iv) Where the results of the assessment to be carried out pursuant to (ii) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

8. Community Use

The use of the playing field and pavilion building shall not commence until a community use agreement for the sports pitches and sports pavilion has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the sports pitches, pavilion, parking and other ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review.

The playing field and pavilion building shall not operate otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facilities, to ensure sufficient benefit to the development of sport.

9. Screening

Within 6 months of commencement of development a Section 278 application shall be made for a scheme for landscaping to the southern side of the A2/London Road at the junction of Claxfield Lane. Thereafter the development shall be implemented in accordance with the outcome of that Section 278 application.

Reason: To reduce impacts arising from highway infrastructure to the setting of heritage assets.

INFORMATIVES

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.
2. The applicant is advised to review and comply with the Mid Kent Environmental Code of Development Practice which can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

3. Pavilion design: The English Cricket Board (ECB) has a mandatory requirements which should be met when submitting details pursuant to the requirements of the S106 legal agreement. The applicant is advised to take account of requirements set out in the consultation response from Sport England when finalising the details related to the pavilion.
4. Cricket pitch: The minimum length should be 117m for minimum boundary compliance. A Labosport ball trajectory assessment should be carried out to assess whether any ball-strike risk is presented. This will establish scale and location of protective netting mitigation required as part of the development. *Labosport is the only provider of ECB recognised ball strike assessments. They can be contacted at info@labosport.co.uk w. labosport.co.uk 0115 968 1998.
5. When submitting details pursuant to the requirements of the S106 legal agreement the size of the proposed storage building next to the pavilion will need to ensure it will be sufficient to house maintenance machinery.
6. Sport England and the Kent FA would like to be consulted around the operator of the site as there are clubs who would be interested and potentially capable of taking the site on.
7. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
8. 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.
9. 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.
10. 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.
11. 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.
12. Should the development be approved by the Local 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.
13. 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework 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.

