

**PLANNING COMMITTEE – 21 JULY 2022****DEFERRED ITEM**

Report of the Head of Planning

**DEFERRED ITEMS**

Reports shown in previous Minutes as being deferred from that Meeting

<b>DEF ITEM 1 REFERENCE NO - 20/505921/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for the development of up to 16 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. All detailed matters are reserved for subsequent approval except for access to Highfield Road.		
<b>ADDRESS</b> Land at Highfield Road, Minster-on-sea, Kent		
<b>RECOMMENDATION</b> Grant subject to conditions and a suitably worded Section 106 agreement, and with authority to amend conditions and s106 clauses as may reasonably be required.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is considered to be a sustainable form of development, making a modest contribution to the housing supply. Whilst it is notable that the site is within an important countryside gap, it is considered that the scheme has sought to minimize the impacts and it is notable that the Council is unable to demonstrate a five-year housing supply. The provision of open space and a community orchard are considered benefits of the scheme. Notwithstanding this, it is considered that the parameter plans allow for a high-quality scheme to be delivered and suitable conditions and obligations are recommended so as to ensure the impacts of the development are appropriately mitigated. No objection has been raised by statutory consultees and the scheme has been subject to an independent highway review which has concluded that the proposal is compliant with local and national highway policies. On balance, the proposal is considered to be acceptable and is recommended for approval.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application was 'called in' by the Head of Planning Services at the 10 <sup>th</sup> March 2022 Planning Committee meeting and the Committee agreed that an independent highway analysis be carried out with the results reported back to a future meeting. This analysis has now been concluded and this report and the Appendices set out the details.		
<b>WARD</b> Queenborough and Halfway	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> New Homes and Land <b>AGENT</b> JB Planning
<b>DECISION DUE DATE</b> 06/04/21		<b>PUBLICITY EXPIRY DATE</b> 29/09/21

## 1. BACKGROUND

- 1.1 This application was first report to the Planning Committee on 10<sup>th</sup> February 2022 where Members resolved *“That application 20/505921/OUT be deferred to allow the Planning Working Group to meet on site.”*
- 1.2 The site meeting referred to above was held on 1<sup>st</sup> March 2022 and the application was reported back to the Planning Committee meeting of 10<sup>th</sup> March 2022. During the meeting, upon being put to the vote, the motion to approve the application was lost. At that point the Head of Planning Services used his delegated powers to ‘call-in’ the application. The Committee then agreed to defer the application to allow an independent highway analysis to be carried out. For the avoidance of doubt, the resolution was as follows:

*“That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee, with the inclusion of an independent highways analysis.”*

- 1.3 The independent highway advice as referred to above has been obtained. The initial advice received is included at Appendix 1 and sought further information from the applicant. This was provided in a Technical Note and covering letter submitted by the applicant, included at Appendices 2 and 3 which the Council’s highway consultant again reviewed, with their final concluding report included at Appendix 4. I have also included the original committee report at Appendix 5, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme - as such I will not repeat these details here. As a result, the form that this supplementary report will take will be to discuss the independent highway advice received and how this has informed the recommendation reached by Officers.

## 2. CONSULTATION RESPONSES

- 2.1 The following consultation responses have been received since the last committee report:
- 2.2 KCC Highways & Transportation have no further comments to make on highways matters:

*“The additional information that has been uploaded onto the planning portal consists of the independent highway review that was commissioned by the Local Planning Authority following Members concerns, and the response to this document that has been submitted by the applicant’s highway consultant. No relevant amended drawings are provided that require further consideration by the Highway Authority, so I would adhere to my previous recommendation in respect of the proposed development.*

*“It is noted that the review does mostly reach the same conclusion on highway matters, although it has requested some additional information beyond what was expected before it will fully support the application. However, the applicant’s highway consultant has provided a reply to reaffirm the reasons behind the original acceptance, and I would generally concur with the content of their response.*

*Consequently, I have no further comments to make on highway matters.”*

- 2.3 KCC Archaeology have no further comments to make, refer to previous comments set out in section 6 of the committee report (Appendix 5)
- 2.4 Kent Police have no further comments, refer to previous comments set out in section 6 of the committee report (Appendix 5)

### 3. APPRAISAL

- 3.1 As set out above, in addition to the detailed assessment of highway related matters undertaken by KCC Highways & Transportation during the course of the application, since the application was deferred at the 10<sup>th</sup> March 2022 committee meeting, an in depth independent review of the highway issues has been carried out.
- 3.2 The initial independent review is provided in full in Appendix 1. As part of this review a site visit was carried out. This is in addition to the site visits carried out by the applicant in producing their proposals and the visits carried out by Officers.
- 3.3 Members will note that the initial independent review concluded *“For the most part, the development proposal is considered appropriate in principle, however, further information is required before the proposal can be fully supported at the outline stage...”* The further information related to the suitability of the proposal in relation to local and national policy; to determine the extent of parking restrictions required on Highfield Road so that visibility is not obstructed at the site access; to determine average speeds on Highfield Road, so a reliable visibility assessment can be determined; Visibility splay calculations should be undertaken in accordance with Manual for Streets 2 (MfS2) which takes into consideration longitudinal gradients when determining safe Stopping Sight Distances (SSD); and to confirm what traffic calming measures will be installed within the site to maintain a traffic speed of 10 mph, as per the forward visibility assessment shown within the site.
- 3.4 In response to this, the applicant provided a Technical Note (Appendix 3) which included a response to each of the above referenced points and which the Council’s consultant again reviewed - see Appendix 4 for comments in full. With regard to access arrangements, there are no current parking restrictions on Highfield Road. The Technical Note (Appendix 3) provides further information regarding visibility, parking restrictions, collision data and Manual for Streets, and the Council’s consultant concludes that the visibility assessment provided as part of drawing 205427-A01 Rev D, is sufficient, and that double yellow lining is not required for the full length of the assessed visibility splay. With regard to an internal road assessment and details of traffic calming the Council’s consultant concludes that the submitted details are acceptable (at para 2.18).
- 3.5 Further points which have been addressed / clarified refer to trip generation forecast and the general policy context which the application has been assessed against. These points have been addressed in the applicant’s Technical Note and in response, along with the additional matters discussed above, the following conclusion by the Council’s Consultant as contained in the final independent highway review has been reached:

*“By way of summary, we consider the response provided by Vectos to be sufficient to address most of our initial concerns, noting:*

- *The scheme is considered compliant with relevant national and local highway policy.*

- *Additional information has been provided by Vectos and the design of the site access is considered suitable.*
  - *All other matters are to be addressed at the reserved matters stage and therefore we have no further comments.*
  - *The development is considered appropriate in relation to transport matters.”*
- 3.6 KCC Highways & Transportation have reviewed the information at Appendix 3 and as no amended drawings have been provided, KCC Highways & Transportation adhere to their previous recommendation in respect of the proposed development. The comments also note: *“It is noted that the review does mostly reach the same conclusion on highway matters, although it has requested some additional information beyond what was expected before it will fully support the application. However, the applicant’s highway consultant has provided a reply to reaffirm the reasons behind the original acceptance, and I would generally concur with the content of their response.”*
- 3.7 I do recognise that local residents and Members have raised concerns regarding the impact of the proposal upon highway safety and amenity. However, now in addition to KCC Highways & Transportation raising no objection (subject to conditions which have been recommended), I am in receipt of very detailed independent highway advice which clearly sets out that the proposal *‘is considered compliant with relevant national and local highway policy.’* On this basis I can reach no other conclusion than that the proposal would not give rise to harm to highway safety and amenity nor give rise to a severe impact upon the road network (the tests set out in the relevant policies) and is acceptable in this regard.

#### Other Matters

- 3.8 At the 10 March 2022 meeting, a concern was also raised by Members regarding the impact of the proposed development on the Important Local Countryside Gap (ILCG). In response to this the agent has submitted a plan (drawing no. 1602/004) which demonstrates that a gap of approximately 173 metres would exist between the limits of the built form both developments, as defined on the submitted parameter plan for application 20/505921/OUT (current proposal) and the approved parameter plan for consented application 18/503135/OUT (Land West Of Barton Hill Drive). There is also a significant amount of existing vegetation and part of a ridge between the two developments that will separate them, both physically and visually.

#### **4. CONCLUSION**

- 4.1 The overall planning policy context within which the planning application is now being considered is identical to when this proposal was reported to the Planning Committee on 10<sup>th</sup> February 2022 and 10<sup>th</sup> March 2022 where Officers recommended approval.
- 4.2 Since this time an independent highway review has been carried out. The review(s) have been attached in full (including the applicant’s response to the initial review) with a very clear conclusion being drawn by the Council’s consultant that the proposal is compliant with the relevant local and national highway policies.
- 4.3 As the Council remain unable to demonstrate a 5-year supply of housing land the ‘titled balance’ is engaged, directing decision makers to approve applications unless it is

considered that any harm identified would significantly and demonstrably [my emphasis] outweigh the benefits. As such, it is not sufficient for harm to be identified, the harm must significantly and demonstrably outweigh the benefits for applications to be refused. In this case it is considered that the benefits outweigh the harm and the proposal constitutes sustainable development. Therefore, in accordance with the requirements of the NPPF, the application in my view should be approved.

- 4.4 On the basis of the above, in the event that the Planning Committee was minded to refuse the scheme for reasons related to highway impacts, I consider there would be a high likelihood that such a refusal would not be credible at appeal. This is based on the fact that both KCC Highways & Transportation, and separately an independent highway consultant has assessed the scheme in detail and concluded that the proposals are in accordance with the relevant local and national highway policies. At an appeal it would be expected that the Council was able to defend reasons for refusal with appropriate technical evidence. In this case, the lack of any technical evidence to support a reason for refusal on these grounds would, as well as likely resulting in an Inspector allowing an appeal, also mean in my view that there would be a high risk of costs being awarded against the Council at an appeal in such a scenario.

## 5. RECOMMENDATION

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

### **Related to outline nature and requirements of the RMA**

- (1) Details relating to the layout, scale and appearance of the proposed building(s), and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

- (2) Applications for approval of all reserved matters pursuant to condition (1) must be made not later than the expiration of three (3) years from the date of this permission.

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

- (3) Implementation of a Reserved Matters Approval shall commence no later than two (2) years from the date of the final approval of reserved matters.

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) The development hereby permitted shall be carried out in accordance with the following approved drawings, documents and mitigation set out within:

Site Location Plan (1602.001 Rev A); Existing Site Plan (1602.004);  
Proposed Site Access (205427-A0 Rev D); Parameter Plan (1602.002 Rev E);  
Transport Statement (dated 01/12/2020) and Addendum (dated 19.01.2022);  
Landscape and Visual Appraisal (dated December 2020) and Addendum (dated

January 2022); Planning, Design & Access Statement (dated December 2020) and Addendum (dated January 2022); Preliminary Ecological Appraisal (dated December 2020); Noise Assessment (dated 11/11/21, Ref: RP01-21530-R0); Flood Risk Assessment (dated July 2021, CS/15001).

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

- (5) The development hereby permitted shall consist of no more than 16 residential units (Use Class C3) and the detailed design shall strictly accord with the following Parameter Plan 1602.002(E)

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

- (6) The reserved matters application shall include the following reports along with all other drawings and documents as required for validation purposes:
- Arboricultural Impact Assessment
  - Tree Protection Plan
  - Tree Survey
  - Impact on Privacy Statement
  - Design and Access Statement
  - Landscaping Design Statement
  - Landscaping and Visual Impact Assessment; and
  - Energy and Sustainability Statement

Reason: In order that the Council is satisfied with the details of the proposed development and in the interest of proper planning

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

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

- (8) The details submitted pursuant to condition 1 shall show adequate land, reserved for the parking or garaging of cars; suitable storage for cycle parking; and electric vehicle charging provision (in accordance with the currently adopted Kent County Council Vehicle Parking Standards and Swale Parking SPD or most recent relevant standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted. All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

- (9) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application.

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

- (10) With the first reserved matters application, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will be in general accordance with the recommendations in section 4.36 of the Preliminary Ecological Appraisal (The Ecology Partnership December 2020) unless otherwise agreed in writing by the Local Planning Authority. The scheme shall achieve a biodiversity net gain of at least 10% against the existing site conditions. The approved details will be implemented and thereafter retained in perpetuity.

Reason: to ensure appropriate ecological protection and enhancement is undertaken along with ensuring that biodiversity gains are delivered for the enhancement and improvements of habitats.

- (11) No habitable windows which permit overlooking of Numbers 31, 33, 35, 37 and 47 Highfield Road shall be included on the first floor of any properties along the boundary with those properties.

Reason: in the interest of safeguarding residential amenity

- (12) The areas shown on drawing 1602.002(E) as Community Orchard and Public Open Space shall be reserved for the general amenity of the area. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

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

Reason: In the interests of residential amenity

- (14) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and the area generally

- (15) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (16) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981.

- (17) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reasons: To ensure that features of archaeological interest are properly examined and recorded.

- (18) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

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

- (19) The details submitted pursuant to condition (1) above shall show a community orchard as identified on Drawing 1602.002(E) and shall provide a minimum of 21 trees, in accordance with details to be agreed, and shall be made available for community use in perpetuity.

Reason: to ensure the community benefit is provided and in the interest of biodiversity.

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

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



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

Reason: In the interests of water conservation and sustainability.

- (22) The access details shown on the approved plans (ref 205427-A01 Rev D) shall be completed prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained. A bound surface for the first 5 metres of each access from the edge of the highway shall be used.

Reasons: In the interests of highway safety.

- (23) The visibility splays shall be provided and maintained strictly in accordance with the details shown on the submitted plans (ref 205427-A01 Rev D) with no obstructions over 0.9 metres above carriageway level within the splays. They shall be provided in full prior to the use of the site commencing and maintained thereafter for the lifetime of the development.

Reasons: In the interests of highway safety.

- (24) The development shall include provision of measures to prevent the discharge of surface water onto the public highway at all times. The development shall not be occupied until such details are operational and the measures shall be maintained thereafter for the lifetime of the development.

Reasons: In the interests of highway safety.

- (25) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNO<sub>x</sub>/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: For the benefit of air quality

- (26) No development shall take place, including any works of demolition, until a Demolition/Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide details of:
- a) Routing of construction and delivery vehicles to / from site
  - b) Parking and turning areas for construction and delivery vehicles and site personnel and visitors
  - c) Timing of deliveries
  - d) loading and unloading of plant and materials
  - e) storage of plant and materials used in constructing the development
  - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - g) Temporary traffic management / signage
  - h) wheel washing facilities
  - i) measures to control the emission of dust, particulates and dirt during construction
  - j) a scheme for recycling/disposing of waste resulting from demolition and construction works

- k) Bonfire policy;
- l) Proposals for monitoring, reporting and mitigation of vibration levels at surrounding residential properties where they are likely to exceed 1mm/s measures peak particle velocity.
- m) Proposed contact details and method for dealing with complaints from neighbours

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

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

- (27) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
- d) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.
- e) all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance.

Reason: To ensure any land contamination is adequately dealt with.

- (28) Prior to the commencement of the relevant part of the development, an ecological and landscape management plan, including mitigation measures during demolition and construction, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority.

The submitted report shall include:

- a) Preliminary Ecological Appraisal demonstrating the details of all features of ecological value on the site and setting out measures for their protection during construction works.

- b) Detailed phase II roosting bats' and nesting birds' surveys
- c) A detailed method statement for the removal or long-term management /eradication of invasive species on the site.
- d) Details to protect the established vegetation from any damage that could be caused during demolition and construction. All works should be undertaken by a suitably qualified and experienced specialist contractor and should conform to current industry best practice, i.e. BS 3998: 2010 'Tree Work - Recommendations'. The details should ensure that existing commuting/foraging routes currently utilised by bats and other wildlife are maintained.
- e) If more than one year passes between the most recent bat survey and the commencement of demolition and/or tree works, an update bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.
- f) Details from a suitably qualified ecologist specifying how the landscape features have been developed for biodiversity and ecological enhancement.
- g) Details of management and maintenance regimes to ensure biodiversity and ecology is protected, including a schedule for seasonal maintenance of the landscaping with appropriate support systems and health checking of planting to ensure it is performing as intended;
- h) The mitigation and enhancement should include, but is not limited to, the following:
  - i. Native species
  - ii. Bird and bat sensitive lighting
  - iii. Artificial nesting and roosting sites (including bird and bat boxes)

Evidence that the ecological measures approved have been installed in accordance with the approved details should be submitted to and approved by the local planning authority prior to occupation of the relevant part of the development.

The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: To contribute to protecting and enhancing biodiversity, protect aviation and improving the aesthetic value of the development as well as resident's well-being.

- (29) a) No tree works shall take place until methods of work, position of site offices, material storage, compounds, parking and tree protection and impact mitigation measures prior to commencement of the relevant part of the development and the associated clearance work have been agreed in writing by the Local Planning Authority.
- b) Prior to the commencement of any works affecting trees an arboricultural impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The recommended measures for arboricultural management shall be carried out in full and thereafter retained.
- c) All permitted or approved tree work will be carried out in accordance with the British Standard BS3998:2010 (or prevailing standard), an Arboricultural Association Approved Contractor or an ISA Certified Arborist/Tree Worker suitably insured and experienced to carry out the tree works.
- d) All tree works are to be carried out between July and September or November and February. Tree works should also avoid the season for nesting birds.

- e) No tree works shall be undertaken until permission is given, or a programme of recommendations is received in writing as a result of a bat survey conducted by a suitably qualified ecologist.
- f) All tree works and tree surgery works will be carried out prior to the development of the site, and erection of protective fencing.
- g) All protective measures; including fencing, shall be implemented prior to any demolition or construction works and remain in situ and intact throughout the duration of the relevant part of the development. Written approval by the Local Planning Authority shall be obtained prior to any temporary removal of protective measures during the relevant part of the development period.
- h) Should additional tree works other than those identified in the arboricultural impact assessment approved in part (b) above become apparent during the construction process, written consent will be required from the Local Planning Authority prior to these additional works being undertaken.
- i) Any trees or plants which form part of the approved landscaping scheme which die within a period of 5 years from the date of planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to improve the character and amenities of the area.

- (30) No development beyond the construction of foundations shall take place until details of the external finishing materials, including samples or sample panels, to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained for the lifetime of the development in full accordance with the approved details.

Reason: In order that the Local Planning Authority may be satisfied with the external appearance of the buildings and the development

- (31) No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing demonstrating how the development meets the principles of 'secure by design'.

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

- (32) Construction of the development shall not commence until details of the proposed means of surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and to prevent flooding.

- (33) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the biodiversity net gains in as per Condition 13. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, lighting, bollards, street furniture (including waste bins), cycle linkages, wayfinding, permeability of all hard surfaces, materials, use of planting to provide privacy and defensible areas and an implementation programme. All new streets must be tree lined.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme submitted to and agreed in writing with the Local Planning Authority.

The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

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

- (34) Prior to the occupation of the dwellings hereby approved, the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

- (35) Upon completion of the works identified in the contaminated land assessment approved under Condition 26, and before any part of the development is occupied, a verification report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with.

- (36) Full details of a refuse and recycling strategy including collection arrangements for all uses shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant part of the development.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

Reason: In order that the Council may be satisfied with the details of the proposal

## **INFORMATIVES**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent

survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

The applicant is strongly encouraged to seek pre-application advice prior to the submission of a reserved matters application for the residential units and site layout. The applicant is also encouraged to present the reserved matters submission to the Design Review Panel.

Information pursuant to Condition 38 (Secure by Design):

- Cul-de-sacs that are short in length and not “open or leaky” by being linked to other areas by cycle routes or footpaths for example, can be very safe environments where residents can benefit from lower crime.
- As the rear of the area is planned for community use, we recommend vehicle mitigation to reduce Anti-Social motorbike/cycling that can create nuisance, fear of crime and conflict. There are plenty of ways to provide this, bollards, walls, planters or appropriate planting consisting of prickly shrubs, densely planted.
- Boundary Treatments: The perimeter boundary treatment to be a min of 1.8m to provide security, 1.5m with trellis to meet 1.8m is acceptable if preferred.
- Rear gardens and divisional fencing between rear gardens to be a min of 1.8m in height to help provide security and privacy. Front garden areas could benefit from a boundary treatment to reduce the opportunity for desire lines that can cause Fear of Crime, Nuisance and Conflict, particularly corner properties.
- We recommend security is provided for Motorbikes, Mopeds, E bikes and similar. SBD and Sold Secure standard certified Ground or wall anchors can provide this.
- Surveillance over parking should be maximised to minimise vehicle crime. We strongly advise ground floor “active room” windows e.g. lounge or kitchen but not bathroom, hall or bedroom overlooking the parking areas, side elevations should also include active windows.
- To minimise the opportunity for vehicle crime, vehicles should be parked on plot, or in locked garages. Residents should be able to see their vehicle from an “active” window. Car barns can provide a secluded space for criminality and ASB so require careful siting with plenty of natural surveillance.
- Any lighting plan should be approved by a professional lighting engineer e.g. a Member of the ILP or the SLL to help avoid conflict and light pollution that can occur when residents install their own security lighting.
- All external, residential doorsets and any sliding, folding or patio doors to ground floors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
- Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated as toughened glass alone is not suitable for security purposes.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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

