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|--|--|--|---|
| <b>2.11 REFERENCE NO - 16/504575/OUT</b>   |  |  |   |
| <b>APPLICATION PROPOSAL</b><br>Outline application for residential development including access and parking, together with public open space and drainage (all matters reserved for future consideration).   |  |  |   |
| <b>ADDRESS</b> Land To The East Of Ham Road Faversham Kent ME13 7ER  |  |  |   |
| <b>RECOMMENDATION</b> Grant subject to the signing of a suitably worded Section 106 Agreement and to comments from Kent Highways and Transportation and Kent Public Rights of Way Officer  |  |  |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b><br>Proposal is broadly in line with national and local planning policy, and Members will note that the application site has the benefit of an allocation in the emerging local plan, Bearing Fruits 2031 – see Policy A14.7 |  |  |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Town Council comments; and for authority to enter into a Section 106 Agreement  |  |  |   |
| <b>WARD</b> Priory   | <b>PARISH/TOWN</b><br>Faversham Town   | <b>COUNCIL</b>   | <b>APPLICANT</b> GBH Wheler Will Trust<br><b>AGENT</b> DHA Planning |
| <b>DECISION DUE DATE</b><br>05/09/16   | <b>PUBLICITY EXPIRY DATE</b><br>08/07/16   | <b>OFFICER SITE VISIT DATE</b>   |   |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  |  |  |   |
| <b>App No</b>  | <b>Proposal</b>  | <b>Decision</b>  | <b>Date</b>   |
| SW/14/0257   | Application on Oare Gravel Works site for 330 dwellings and change of use from storage and vacant uses of the former Gunpowder Works Listed buildings to provide 873 square metres of offices, workshop-studios, storage, and 714 square meters of community uses (with retention of the 2 existing dwellings) and the formation of associated parking areas, earth bund engineering works, country park, landscaping, demolition of plant & buildings | Members resolved that permission should be granted at the Planning Committee meeting on 3 <sup>rd</sup> September 2015 | Ongoing   |

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The site lies approximately a mile from the centre of Faversham town, towards the Oare Marshes, just outside the built-up area boundary (indeed, the western and eastern boundaries of the site follow the line of the boundary). To be able to understand the configuration of the site, it should be noted that the site is, from north to south, in a diamond shape.
- 1.02 The site, which fronts Ham Road, is located north and east of the existing properties to be found within Springhead Road and Fostall Road. To the north is open countryside, and the Oare Gravel Works site is located immediately to the west, facing this site across Ham Road. To the south is the existing development now

known as Goldfinch Close. The site is covered by vegetation at the present time, and there are a number of trees on the site, some quite mature, but none of which are covered by any form of Protection Order. Those trees on the perimeters of the site are likely to be retained, although it must be remembered that this is an outline application only, with all rights reserved.

- 1.03 It should be noted that the site is near to a former landfill site at the northern end of the site which now forms an area of improved grassland.
- 1.04 The land is fairly level, rising approximately two metres between the northern end of the site and the southern end of the site; as such, the site dips very slightly on a south/north gradation. There is a steep bank at the north-western (Ham Road) side of the site
- 1.05 The application site is the subject of Policy A14 Main Modification 166 of Bearing Fruits 2031: The Swale Borough Local Plan Proposed Main Modifications 2016, being allocated as a site for a minimum of 35 new dwellings.
- 1.06 The nearby Oare Gravel Works site is subject to a long-running pending application (SW/14/0257) for the construction of 330 dwellings and associated highways improvements. These improvements include widening Ham Road to a width of 5.5 metres, with a new junction leading to the site.
- 1.07 A Public Right of Way runs along the southwestern boundary of the site, connecting with Ham Road. The PRow is adjacent to but outside the site.
- 1.08 The site is near to, but not within, a Zone 3 Flood Zone, which begins approximately 100 metres to the north of the site.

## **2.0 PROPOSAL**

- 2.01 Outline planning permission is sought for residential development with all matters (namely appearance, landscaping, layout, scale and access) reserved for future consideration. All reserved matters are to be considered only in terms of the principle of the development at this stage, and not in detail.
- 2.02 The layout drawings submitted with the application are therefore only intended to illustrate how the development could be accommodated within the site. Whilst an indicative layout has been submitted, along with indicative design drawings, the actual detail of these, including the ultimate number of dwellings to be built will not be assessed, as this will be the subject of a further reserved matters application, should the current outline be granted approval. The principle of the proposed housing is to be assessed at this stage. It is worth noting though that the maximum number of dwellings will not exceed thirty-five as imposed by an appropriate planning condition.
- 2.03 The application originally proposed only up to 30 dwellings, however, concerns were raised by Officers as the site is allocated for 35 dwellings under Policy A14 as noted above. It is intended that the development shall be of detached and semi-detached houses and flats. The site has an area of approximately 1.1 hectares or 2.72 acres, making a site density of approximately 31 dwellings per hectare.
- 2.04 Although the application is outline with all matters, including access, being reserved the only possible access to the site would seem to be from Ham Road.

- 2.05 The indicative layout (layout plan drawing no. DHA/10622/20) shows the proposed dwellings arranged around a central island; somewhat surprisingly, rather than being open green space, three proposed dwellings are shown upon the central island. A pedestrian footpath link is shown within the development together with a footpath linking the development to Goldfinch Close to the south.
- 2.06 The submitted details (which are for thirty properties only) suggest an indicative dwelling mix as follows: 4 x One bedroom flats; 3 x Two bedroom flats; 10 x Two bedroom houses; 10 x Three bedroom houses; and 3 x Four bedroom houses.
- 2.07 To minimise adverse landscape and visual effects of this edge of settlement boundary development, a buffer of soft landscaping is proposed around the northern perimeter boundary of the application site to enclose the development on those boundaries.
- 2.08 The application is supported by a number of reports including the following:-
- Planning Statement
  - Design and Access Statement
  - Ecology Report
  - Foul and Surface Water Management Strategy
  - Transport Assessment
  - Flood Risk Assessment
  - Contamination Report
  - Tree Survey
- 2.09 From the above listed reports, I draw the following key points:-
- Delivery of up to 30 dwellings (since revised to 35; the agent has been asked to supply a revised indicative layout, which I will report to Members at the meeting)
  - Application is in outline form with all matters reserved
  - Access would be taken from Ham Road
  - Site is in a sustainable location: Bus services from Priory Row connect with Ashford, Sheldwich, Gaversham and Oare; Davington Primary School and a small convenience store are situated nearby
  - Site is allocated for housing within 'Bearing Fruits'.
  - The dwellings will be a mix of detached and semi-detached houses and flats
  - Full Flood Risk Assessment submitted, conclusion that site is safe
  - Full Ecology and Contamination reports; these will be addressed later in this report.

### 3.0 SUMMARY INFORMATION

|                          | Existing | Proposed          | Change (+/-) |
|--------------------------|----------|-------------------|--------------|
| Site Area (ha)           | 1.1      | 1.1               | -            |
| No. of Storeys           | N/A      | No data available |              |
| No. of Residential Units | N/A      | Up to 35          | + Up to 35   |
| No. of Affordable Units  | N/A      | 12                | +12          |

|                    |     |                   |   |
|--------------------|-----|-------------------|---|
| Car parking spaces | N/A | No data available | - |
|--------------------|-----|-------------------|---|

#### 4.0 PLANNING CONSTRAINTS

- The entire site lies just outside the defined built up area boundary of Faversham within the countryside, as set out in the adopted Local Plan. However, the application site is within land designated for housing under Policy A14 of Bearing Fruits 2031 (Main Modifications, June 2016).
- The site is located within 2km of the Swale Special Protection Area (SPA), Ramsar site and the Swale Site of Special Scientific Interest (SSSI).

#### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

The NPPF was adopted on 27<sup>th</sup> March 2012 and is a material consideration in determining planning applications. Also of importance to the determination of this application is the guidance as set out in the National Planning Practice Guidance (NPPG).

The NPPF relates in terms of achieving sustainable development, building a strong competitive economy, supporting a prosperous rural economy, promoting sustainable transport, delivering a wide choice of quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, and sustainable drainage systems.

The NPPF sets out the Governments position on the planning system explaining that “The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development (paragraph 14), which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this mean:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date granting permission unless:-
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.”

Paragraph 14 the NPPF makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental.

At Paragraph 47 it states that *“planning authorities should meet local housing needs and identify five year housing land supply with an additional 5% buffer”*. Paragraph 49 states *“that housing application should be considered in the context of the presumption in favour of sustainable development”* and that *“Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”*

Regarding housing provision, in paragraphs 47-55 the NPPF requires a significant boost in housing supply and states Council's should "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%". Paragraph 49 states that housing supply policies should be considered out of date if the Council cannot demonstrate a five year supply of deliverable housing sites.

Paragraph 55 states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

Paragraph 109 requires the planning system to; contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing gains where possible; prevent new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or water pollution and remediating and mitigating contaminated land where appropriate.

Paragraph 118 requires Councils to aim to conserve and enhance biodiversity and apply numerous principles including; incorporating biodiversity in developments; affording substantial protection to Special Protection Areas and affording Ramsar sites the same protection as European sites.

#### National Planning Practice Guidance (NPPG)

The NPPG also provides general guidance in relation to development. It encourages the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, urban design / architecture, and ecology, amongst others.

#### Development Plan:

##### The Local Plan

The Development Plan for Swale comprises the adopted 2008 Local Plan as amended by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of those policies directed to have expired as of 20<sup>th</sup> February 2011. The emerging Local Plan (Bearing Fruits 2031 Main Modifications, June 2016), is at an advanced stage and having been subjected to an Inquiry by an independent Planning Inspector carries some weight.

##### The Swale Borough Local Plan 2008 (saved policies)

Also of relevance to the determination of this application are the following saved Local Plan policies;

- SP1 (Sustainable Development and steers development to previously developed land within urban areas)
- SP2 (Environment)
- SP3 (Economy)

- SP4 (Housing)
- SP7 (Transport and Utilities)
- E1 (General Development Criteria)
- E6 (The Countryside, amongst other things seeks to restrict development outside built-up areas)
- E9 (Protecting the Quality and Character of the Boroughs Landscape)
- E10 (Trees and Hedges - requires proposals to retain trees as far as possible and provide new planting to maintain the character of the locality)
- E11 (Protecting and enhancing the Borough's Biodiversity and Geological Interest)
- E12 (Sites designated for their importance to biodiversity or geological conservation)
- E19 (Achieving High Quality Design and Distinctiveness)
- T1 (Providing Safe Access to the Highway Network)
- T3 (Vehicle Parking for New Development)
- T2 (Essential Improvements to the Highway Network)
- T4 (Cyclists and Pedestrians)
- T5 (Public Transport - T5 requires proposals to be well located in relation to public transport.)
- C2 (Housing Developments and the Provision of Community Services and Facilities - requires developer contributions towards community services and facilities on developments of 10 or more dwellings via an appropriate legal agreement.)
- C3 (Open Space within Residential Development)
- H2 (Providing for New Housing – advises that permission will be granted for residential development on allocated sites or within built up areas but that outside such areas such development will be restricted in accordance with policies E6 and RC3.
- H3(Providing Affordable Housing- requires 30% affordable housing on developments of 15 dwellings or more which are to be of a suitable size and tenure, including rented housing)
- H5 (Housing allocations)

Bearing Fruits 2031: The Swale Borough Local Plan Part 1 (Main Modifications – June 2016)

The emerging Local Plan has been submitted for examination and so carries significant weight. Policies include:-

- ST1 (Delivering sustainable development in Swale)
- ST2 (Development targets for jobs and homes 2011-2031)
- ST4 (Meeting the Local Plan Development targets)
- CP3 (Delivering a wide choice of high quality homes)
- CP4 (Requiring Good Design)
- CP7 (Conserving & Enhancing the Natural Environment – Providing for Green Infrastructure)
- DM6 (managing transport demand and impact)
- DM7 (Vehicle Parking)
- DM8 (Affordable Housing)
- DM19 (Sustainable Design and Construction)
- DM21 (Water, flooding and drainage)
- DM28 (Biodiversity and Geological Conservation)
- DM29 (Woodlands, trees and hedges)

- A14 (Smaller allocations as extensions to settlements)

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Faversham Town Council raises no objection to the proposal, on the Condition that permission is only granted for up to 35 properties, as envisaged in Bearing Fruits 2031, rather than up to thirty as originally proposed under this application.
- 6.02 One email of objection has been received from a local resident. The comments contained therein may be summarised as follows:
- 300 houses already outlined on the gravel works site
  - Planners told the developer for the gravel works site to reduce the number
  - Present infrastructure cannot support this development

## **7.0 CONSULTATIONS**

- 7.01 The Kent County Council Flood and Water Management Officer advises that the general principles outlined in the submitted surface water drainage strategy are acceptable subject to the inclusion of a condition controlling same, and that there shall be no infiltration of surface water into the ground other than with the express consent of the Borough Council.
- 7.02 Southern Water raises no objection to the application. They advise that a formal application for a connection to the public sewer is required and recommend a condition to be attached if planning permission is given to the proposed development. Conditions should require that development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Borough Council, and an informative advising that a formal application for connection to the public sewerage system is required to service this development.
- 7.03 I await comments from KCC Highways and Transportation, and will report these to Members at the meeting
- 7.04 Natural England advises that the site lies in close proximity to European designated sites and has the potential to affect their interest features. However, Natural England is satisfied that the proposed development would not be likely to damage or destroy the interest features for which the SSSIs have been notified.
- 7.05 The Environment Agency raises no objection to the proposed development, subject to the inclusion of Conditions noted below.
- 7.06 The Kent Police Crime Prevention Adviser has raised no objection.
- 7.07 Scotia Gas networks have submitted a plan suggesting that there are no gas mains on the site.
- 7.08 UK Power Networks raises no objection.
- 7.09 I have received no response from Kent Public Rights of Way. I shall report any response received to Members at the meeting.

- 7.10 Swale Footpaths Group raises no objection, but request that the legal status of and the responsibility for the upkeep of the adjacent footpath be made clear to the applicant.
- 7.11 KCC Ecology raises no objection, subject to conditions regarding the provision of reptile and bat surveys, and protection of nesting birds; wording should also be included in the S106 agreement to secure developer contributions to mitigate potential impact on the SPA.
- 7.12 The Greenspaces Manger raises no objection, subject to the receipt of developer contributions towards play equipment and sports facilities via the s106 agreement. He also requests that 10% of developable land be allocated as open space provision, preferably to the rear of Goldfinch Close, allowing a larger and more usable open space.
- 7.13 I await the comments of the Council's Tree Consultant, and will report these to Members at the meeting. There are clearly implications for existing trees on the site margins, which are shown as being retained on the submitted indicative drawings.

## **8.0 BACKGROUND PAPERS AND PLANS**

Application papers and correspondence relating to planning application reference 16/504575/OUT.

## **9.0 APPRAISAL**

- 9.01 I consider that the key material considerations in the assessment of this application are as follows:-
- The principle of development
  - Impact on the surrounding landscape quality and visual amenity
  - Residential amenity implications
  - Biodiversity and Ecology implications
  - Highway network impact
  - Developer contributions
  - Other material considerations

### **Principle of Development**

- 9.02 The key issue for consideration is whether planning permission should be granted for a residential development on a site that lies outside the defined urban confines of Faversham. However, as noted above, the site is allocated for new dwellings under Policy A14 of Bearing Fruits and, as such, the proposal must therefore be acceptable in principle, having gone through all mandatory tests and having been found suitable for residential development.

### **Impact on the surrounding landscape quality and visual amenity**

- 9.03 At this stage, the visual impact of the proposal can only be considered in very broad terms due to the uncertainty of all matters of design, height of buildings, materials and layout. Whilst an open field would be lost as a result of the development, the land that would be lost is relatively small as compared to the considerable adjoining countryside. In addition, it is considered that given the informal arrangement of the indicative housing layout, and given the use of spaces and soft landscaping to soften the appearance of the dwelling, the development would be seen as a natural



extension of the built-up area boundary. Given this, it is considered that any impact of the development on landscape quality would be moderate in scale and would not seriously harm the character and quality of the landscape. Therefore, in this instance, the lack of an identifiable harm to the character and quality of the landscape is a positive factor because of the contribution this makes to the environmental strand of sustainable development, and should be afforded weight.

### **Residential Amenity**

9.04 The precise impact on residential amenity arising from the design of the dwellings will be dealt with as part of any subsequent reserved matters application(s), should Members decide to grant outline planning permission.

### **Highway network impact**

9.05 It is noted that highway improvements were proposed under planning reference SW/14/0257, as discussed earlier in this report. These highway improvements will also have a positive effect on the present scheme if approved. However, this development would not rely on these improvements to achieve acceptable vehicular access. As noted above, I await further comments from Kent Highways and Transportation, and will report these at the meeting.

### **Developer contributions**

9.06 Developer Contribution Requests:

- KCC Contributions Team has requested contributions of £1,680.70 towards library funding; £178,500 towards Primary Education; and £70,204.05 towards Secondary education, making a total of £250,384.75.
- SBC's Waste Team requests a contribution of £1,740 to allow four 1,100 litre wheeled bins for the proposed flats and £2,674 for the houses to serve the entire development, making a total of £4,414, though the wording of the legal agreement will need to allow for other possible dwelling mixes
- The Greenspaces Manager has requested contributions of £30,163.00 (£861.80 per dwelling) towards play equipment and £16,940 (£484.00 per dwelling) for sports provision, totalling £46,653. He also requests that 10% of developable land be allocated as open space provision, preferably to the rear of Goldfinch Close, allowing a larger and more usable open space.
- Developer Contribution to mitigate impact on the nearby Special Protection Area would be £7,825.30 (£223.58 per dwelling)
- SBC administration charge (5% of £309,276.75) - £15,463.84
- Total = £324,740.59

9.07 Given that the site is located in close proximity to the Medway and Marshes Special Protection Areas (SPA) and as such it is likely that there will be some impact on the SPA which would need to be addressed through appropriate mitigation measures.

## 10.0 CONCLUSION

- 10.01 Whilst the proposed development is outside the settlement confines and is in a countryside location, the site is allocated for housing under Policy A14 of Bearing Fruits, and the proposal would have no unacceptable negative impact, whilst making a significant contribution to the Borough's housing supply.
- 10.02 It is therefore recommended that planning permission be granted subject to conditions as recommended.

## 11.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

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

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

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

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

- (4) Pursuant to Condition (1) above, the reserved matters application shall show no more than a total of 35 dwellings, and the dwellings shall be no more than 2.5 storeys in height

Reason: In order to comply with Policy A14 of Bearing Fruits 2031 and in the interests of safeguarding the local landscape.

- (5) The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secure by Design'. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and safety.

- (6) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

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

- (7) The details submitted pursuant to condition (1) shall show a buffer strip of no less than 10 metres in width retained (for strategic planting) where the site adjoins the northern boundary to the site. The approved landscaping shall be planted in full before the first dwelling is occupied. Thereafter the approved landscaping shall be implemented and maintained as approved.

Reason: In the interests of visual amenity and landscape quality.

- (8) The landscaping details submitted pursuant to condition (1) shall include full details of both hard and soft landscape works including 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, and an implementation programme. 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 agreed in writing with the Local Planning Authority. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- (9) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
    - a) All previous uses
    - b) Potential contaminants associated with those uses
    - c) A conceptual model of the site indicating sources, pathways and receptors
    - d) Potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

- (10) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

- (11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF

- (12) Prior to the commencement of the development hereby approved full details of the method of disposal of foul and surface waters as part of a detailed drainage strategy shall be submitted to (and approved in writing by) the local planning authority. This detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the curtilage of the site. The risk of ground instability associated with discharge of surface water into the underlying soils should be assessed and the infiltration rates confirmed with a suitable ground investigation.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

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

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (15) No development shall take place until:
- a) a site investigation has been carried out to determine the nature and extent of any reptile or bat population within or adjacent to the building in accordance with the advice of Natural England
  - b) a written report of the site investigation has been prepared by a competent person. The report shall include the investigation results and details of a scheme to ensure the long-term health and well being of any reptile or owl population within or adjacent to the building. The report shall be submitted to and approved by the Local Planning Authority in writing.
  - c) the development shall then be implemented in accordance with the approved scheme

Reason: In order to safeguard protected species that may be present within or adjacent to the building.

- (16) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and road safety and to ensure that such matters are dealt with before development commences.

- (17) Prior to the commencement of development details of parking for site personnel / operatives/visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents and to ensure that such matters are dealt with before development commences.

- (18) During construction provision shall be made on the site, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (19) The details submitted in pursuance of condition (1) shall show adequate land reserved for parking in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any Order 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and detrimental to highway safety and amenity.

- (20) None of the dwellings shall be occupied until space has been laid out within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority for cycles to be securely stored and sheltered.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits and to ensure that such matters are dealt with before development commences.

- (21) The proposed estate 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, drive gradients, car parking and street furniture 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 laid out and constructed in a satisfactory manner and to ensure that such matters are dealt with before development commences.

- (22) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times :-  
Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (23) No demolition or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :-  
Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (24) Prior to the commencement of development a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure that such matters are dealt with before development commences.

- (25) Before any work is commenced on site, a Construction Management Plan, including details of delivery routes and the timing of these, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety and amenity.

- (26) Prior to the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
  - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
    - (1) highway drainage, including off-site works,
    - (2) junction visibility splays,
    - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

(27) Before the dwellings hereby permitted are first occupied, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

- (28) Any further conditions requested by KCC Highways and Transportation; the KCC Public Rights of Way Officer, and SBC's Tree Consultant.

## INFORMATIVES

- (1) Waste to be taken off site  
Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005
  - Environmental Permitting (England and Wales) Regulations 2010
  - The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

- (2) KCC wishes to make the applicant aware that Superfast Fibre Optic Broadband 'fibre to the premises' should be provided to each dwelling of adequate capacity (internal minimum speed of 100mb) for current and future use of the buildings.
- (3) The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure and water supply required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) .
- (4) A formal application for connection to the public sewerage system is required to service this development, and that should any sewer be found during construction works, Southern Water should be contacted as an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. (Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)).
- (5) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (6) All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended) and as such any vegetation must be removed outside the breeding bird season, and if this is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease within that area.

### **The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of changes required to the application and these were agreed.

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