

REPORT SUMMARY

REFERENCE NO: - 19/503995/EIFUL		
APPLICATION PROPOSAL: Erection of 136 residential dwellings together with access, parking, drainage, landscaping and associated works.		
ADDRESS: Land At Old Ham Lane Lenham		
RECOMMENDATION: Approve subject to amended S106 and amended conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The s106 will include the provision of First Homes to ensure compliance with current national and local policies on affordable housing. The s106 will comply with the Planning Committee's requirements in regard of the triggers for completion of the spine road and the permanent southern link The location of the site is outside the Stour Catchment and the foul drainage strategy involves sewers connecting to Harrietsham WWTW so there is no impact on Nutrient Neutrality at Stodmarsh. The conditions requested by KCC Highways and by the Planning Committee in December 2019 have all been incorporated into new or amended suggested conditions The ecology condition refers to updated surveys and adds a 20% Biodiversity Net Gain target. The EV charging condition is deleted as duplicated by Building Regulations The conditions have been revised as necessary to allow for a phased development.		
REASON FOR REFERRAL TO COMMITTEE: Review/Update of Planning Committee resolution from December 2019 in order to update and take account of new material planning considerations due to resolution being over 3 years old		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Countryside Properties & The Estate Of A Crouch AGENT: DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 06/08/19	DECISION DUE DATE: 31/03/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

19/501898/EIASCO
EIA Scoping Opinion - Proposed development of up to 360 dwellings on Land West of Old Ham Lane.
08.07.2019

MAIN REPORT

1. BACKGROUND

- 1.01 The Planning Committee of 19 December 2019 resolved to grant planning permission subject to the prior completion of a legal agreement, and conditions and informatives.
- 1.02 The previous report and minutes are appended.

1.03 In summary, the Planning Committee resolved:

- The S106 legal agreement to require the design and delivery of the spine road and an appropriate lower unit trigger relating to the delivery of the southern link;
- An additional condition to secure the incorporation of 10% renewable energy measures within the affordable housing element of the development;
- Amendments to the conditions to secure: Enhanced landscaping in the south east corner of the site; and the incorporation of bee bricks and wildlife friendly gullies and gaps under fences to facilitate the movement of wildlife;
- Extra conditions requested by KCC Highways relating to the site access, William Pitt Field, visibility splays, air quality mitigation scheme and refuse storage/collection
- KCC requested condition on the southern link trigger to be incorporated into the S106 legal agreement.

1.04 As that resolution was made some time ago, it is necessary to update Members as to how the resolution has been progressed into the draft s106 legal agreement and to take account of new material planning considerations that have arisen since December 2019 in regard of the following:

- Provision of the affordable housing tenure of First Homes
- Nutrient Neutrality in the Lenham area
- s106 in regard of the spine road and the southern link;
- KCC Highways and other conditions required by the Planning Committee
- To update suggested conditions in regard of ecology, Biodiversity Net Gain and EV charging

2. DISCUSSION AND APPRAISAL

Affordable Housing

- 2.01 For affordable housing, the resolution was that 40% affordable housing should be provided in accordance with the broad mix set out in affordable housing policy SP20.
- 2.02 In May 2021, the Government has introduced an affordable housing policy of First Homes. The Government allowed for a transition period so that applications undetermined when the policy changed would have a period of grace. The period of grace expired on 28 March 2022.
- 2.03 First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The NPPG advises that the remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy. Another Government requirement in paragraph 65 of the NPPF is that 10% of the total number of houses in any major development should be "affordable routes to home ownership".
- 2.04 As the final date of the transitional period has expired, I am of the view that there is now a requirement for the legal agreement for the development to be redrafted to secure First Homes.
- 2.05 The planning permission would be for up to 136 units, of which 40% is 55 affordable housing units which would equate to:

First Homes to be 25% of 55= 14

Remainder of 41 units of which 70% is affordable rent = 29

This would leave shared ownership= 12

- 2.06 The 10% requirement for "affordable routes to home ownership" is 14 which is met by this tenure mix.
- 2.07 The applicant has agreed to this new tenure mix being incorporated into the s106 in place of that originally resolved, to take account of the updated national policy position.

Nutrient Neutrality in the Lenham Area

- 2.08 The source of the river system of the Stour Valley river catchment is in Lenham and the R. Stour passes through Stodmarsh National Nature Reserve which is subject of environmentally harmful levels of nitrogen and phosphorus pollution. In July 2020, Natural England issued water quality advice in regard of Stodmarsh that impacted on planning applications for new homes or other forms of overnight accommodation in and around both Lenham and part of Boughton Malherbe Parishes. Additional advice was issued by Natural England in November 2020 and a comprehensive review of the advice was issued in March 2022.
- 2.09 The application site lies outside of and to the west of the Stour Catchment. It lies outside of and to the west of the area that connects to Lenham WWTW (which discharges into the River Stour). Southern Water Services has confirmed that the foul sewers from all 136 units of housing in the application site will be able to connect to Harrietsham WWTW and has further confirmed that those treatment works currently have capacity to accommodate flows from the proposed development.
- 2.10 Therefore, there will be no environmental impact from the site on the Stour Valley river catchment so the development does **not** need to demonstrate Nutrient Neutrality according to Natural England's current Guidance from 2022. A Habitats Regulations Screening has been adopted to that effect.

Spine Road and Permanent Southern Link Road

- 2.11 The December 2019 Committee report suggested a condition that the Southern Link Road (with vehicular, pedestrian and cycle connections from the development to Old Ham Lane at the southern end adjacent to the Smokey Bridge) must be laid-out and constructed prior to the occupation of the 136th dwelling.
- 2.12 This has been revised as resolved by the Planning Committee and a summary of the covenants between the developer and KCC in the draft s106 is as follows;

(NB the "Southern Link" has been renamed in the s106 as the "Permanent Southern Link Road"):

- No commencement until a specification for the Spine Road has been submitted to and approved by the County Council
- No occupation of any Dwellings until a specification for the Permanent Southern Link Road has been submitted to and approved by the County Council
- Not to Occupy more than 115 Dwellings, unless the Spine Road and Permanent Southern Link Road have been completed up to the final wearing course and open to use by the public
- Not to Occupy more than 131 Dwellings, unless the final wearing course for the Spine Road and Permanent Southern Link Road have been completed

- The final wearing course for the Spine Road and the Permanent Southern Link Road to both be completed no later than 40 months from the Commencement of Development

2.13 These covenants are considered to accord with the Planning Committee resolution of December 2019.

KCC Highways

2.14 Suggested conditions below secure the site access, William Pitt Field, visibility splays, air quality mitigation scheme and refuse storage and collection.

Renewable energy

2.15 A suggested condition below secures the incorporation of 10% renewable energy measures within the affordable housing element of the development

Enhanced landscaping

2.16 The suggested soft landscape condition has been amended to secure enhanced landscaping in the south east corner of the site.

Ecology

2.17 The suggested ecological enhancement condition has been amended to secure the incorporation of bee bricks and wildlife friendly gullies and gaps under fences to facilitate the movement of wildlife;

2.18 The surveys which informed the application were carried out in 2018 and 2019 which is more than 3 years ago. The applicant has recently confirmed via a Verification Survey carried out in June 2022 that the findings of the original surveys remain unchanged and that any dormice presence will involve an application for a Licence from Natural England.

2.19 The existing site is arable farmland of and in the light of the emerging local plan policy for 20% Biodiversity Net Gain, this is also added to the suggested conditions.

EV Charging

2.20 This is now adequately covered by the Building Regulations and a planning condition is therefore no longer necessary and has been removed from the suggested conditions.

PUBLIC SECTOR EQUALITY DUTY

2.21 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

2.22 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

3. CONCLUSION

3.01 The s106 has been agreed to be amended include the provision of the affordable housing tenure of First Homes to ensure compliance with national and local policies on affordable housing.

- 3.02 The location of the site is outside the Stour Catchment and the foul drainage strategy involves sewers connecting to Harrietsham WWTW so there is no impact from the development in terms of Nutrient Neutrality at Stodmarsh.
- 3.03 The s106 has been drafted to comply with the Planning Committee's requirements in regard of the spine road and the southern link (latter now referred to as Permanent Southern Link Road).
- 3.04 The conditions requested by KCC Highways and other conditions or amendments to conditions required by the Planning Committee have all been incorporated into new or amended suggested conditions listed below
- 3.05 The ecology condition has been amended to refer to the need for verification/updated surveys within 3 years of commencement and 20% Biodiversity Net Gain. The originally suggested EV charging condition has been deleted as now duplicated Building Regulations.
- 3.06 The conditions have been revised as necessary to allow for a phased development and other minor redrafting to add clarification where necessary.

4. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £3060

HEADS OF TERMS

- Provision of 55 units (40%) affordable housing on-site, of which 14 First Homes; 29 affordable rent; 12 Shared Ownership.
- Provision and implementation of a landscape and ecological management plan
- Financial contribution to Lenham Primary School provision of £385,584.00
- Masterplan concept and layout to be broadly adhered to
- Highways Works under s38 or s278 to secure Northern Access; Southern Link; Spine Road; Permanent Southern Link Road
- Both Spine Road and Permanent Southern Link Road to be completed and open to public before 115th dwelling occupation
- Both Spine Road and Permanent Southern Link Road to be completed to final wearing course before 131st dwelling occupation and no later than 40 months from the Commencement of Development

CONDITIONS:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 19039 P100 Overall Site Layout

Drawing 19039 P110 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P111 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P112 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P113 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P114 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P115 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P116 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P117 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P118 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P119 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P120 Plans and Elevations 4 Bedroom House Types 4 Affordable

Drawing 19039 P121 Plans and Elevations 2 Bedroom House Type 2B (HT204)

Drawing 19039 P122 Plans and Elevations 2 Bedroom HT 2B + 3A (HT204+301)

Drawing 19039 P123 Plans and Elevations 2 + 3 Bedroom HT 2B + 2C (HT204)

Drawing 19039 P124 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P125 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P126 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P127 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P128 Plans and Elevations 3 Bedroom House HT 3A + 3C (HT301 + 305)

Drawing 19039 P129 Plans and Elevations 3 Bedroom HT 3A + 3C (HT301 + 305)

Drawing 19039 P130 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P131 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P132 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P133 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P134 Plans and Elevations 3 Bedroom House Types 3C (HT305)

Drawing 19039 P135 Plans and Elevations 3 Bedroom House Types 3C (HT305)

Drawing 19039 P136 Plans and Elevations 3 Bedroom House Types 3D (HT307)

Drawing 19039 P137 Plans and Elevations 3 Bedroom House Types 3D (HT307)

Drawing 19039 P138 Plans and Elevations 3 Bedroom House Type 3D (HT307)

Drawing 19039 P139 4 Bedroom House: Plans and Elevations Type 4A (HT404)

Drawing 19039 P140 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P141 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P142 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P143 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P144 Plans and Elevations 4 Bedroom House Type 4A (HT404)
Drawing 19039 P145 Plans and Elevations 4 Bedroom House Type 4B (HT406)
Drawing 19039 P146 Plans and Elevations 4 Bedroom House Types 4B (HT406)
Drawing 19039 P147 Plans and Elevations 4 Bedroom House Type 4B (HT406)
Drawing 19039 P148 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P149 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P150 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P151 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P152 Plans and Elevations 5 Bedroom House Type 5B (HT503)
Drawing 19039 P153 Plans and Elevations 5 Bedroom House Type 5B (HT503)
Drawing 19039 P154 Plans and Elevations 5 Bedroom House Type 5B (HT503)
Drawing 19039 P160 Apartment Block A – Plots 53 – 64 Proposed Floor Plans
Drawing 19039 P161 Apartment Block A – Plots 53 – 64 Proposed Elevations
Drawing 19039 P162 Apartment Block B – Plots 105 - 116 Proposed Floor Plans
Drawing 19039 P163 Apartment Block B – Plots 105 - 116 Proposed Elevations
Drawing 19039 P170 Garage (Sheet 1 of 2) Plans and Elevations
Drawing 19039 P171 Garage (Sheet 2 of 2) Plans and Elevations
Drawing 19039 P172 Car Barn Plans and Elevations

Reason: For the avoidance of doubt.

- 3) Development shall not begin until details of any phasing have been submitted to and approved by the Local Planning Authority and the development shall be implemented as approved.

Reason: No such details have been submitted.

- 4) Development of any phase shall not begin until a detailed sustainable surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report by Stantec (February 2021 45615/2002 Rev A) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme necessary to serve that part of the development shall be implemented in accordance with the approved details prior to the first occupation of any phase.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5) Prior to the occupation of the 30th dwelling of the development hereby permitted, a Verification Report pertaining to the surface water drainage system for that phase and prepared by a suitably competent person, shall have been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system if the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

- 6) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than in accordance with any details approved pursuant to Condition 4 or with the express written consent of the LPA, which 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 the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 7) Prior to first occupation, the foul water drainage connection to the public sewer network shall be implemented in accordance with the Stantec Flood Risk Assessment and Drainage Strategy (February 2021 45615/2002 Rev A). Prior to the occupation of the 30th dwelling, a verification report shall be submitted to and approved by the Local Planning Authority. Such report shall demonstrate that the development does not rely upon any direct or indirect discharge of foul waste to the Lenham Waste Water Treatment Works or otherwise discharges foul waste water within the defined Stour Catchment. The approved foul water drainage connection shall be maintained in perpetuity.

Reason: In order to ensure no adverse impacts upon the water quality of the Stodmarsh (SAC, SPA and Ramsar) sites.

- 8) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by the Local Planning Authority and the remediation has been completed as approved.

No dwelling shall be occupied until a closure report has been submitted to and approved in writing by the Local Planning Authority.

If evidence of potential contamination is encountered, the closure report shall include:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial 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.

If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be submitted for information.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 9) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it can be demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.

- 10) The development shall not commence until details of earthworks and proposed site levels have been submitted to and approved in writing by the local planning authority. These details shall include existing site levels, the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 11) Development of any phase shall not begin until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels for that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the countryside location of the site and the relationship with neighbouring dwellings.

- 12) Above ground construction work of any phase shall not begin until full details of the following matters in the form of large scale drawings (at least 1:20 scale) for that phase have been submitted to and approved in writing by the Local Planning Authority

a) New external joinery

b) Details of eaves and roof overhangs

c) Details of balconies, projecting bays and porch canopies

d) Details of door and window headers (which shall be in the form of segmental gauged arches) and cills

The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the rural locality.

- 13) The development hereby approved shall not commence above slab level for any phase until details and photographs of the materials to be used in the construction of the external surfaces of the relevant building(s) have been submitted to and approved by the local planning authority and the development shall be constructed using the approved materials. The materials to be used in the construction of the external roofs, elevations and boundary treatment hereby permitted shall incorporate those materials and architectural detailing on drawings below unless alternative similar materials have agreed by the Local Planning Authority prior to commencement.

MP-100 Rev E

MP-100 Rev E Materials Schedule page 1 and 2

Reason: To ensure a satisfactory appearance to the development.

- 14) No dwelling in any phase shall be occupied until details and an implementation timetable of all fencing, walling and other boundary treatments to the housing areas and open space in that phase have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings of 2/3 coursed and coped ragstone walling where hereby approved. The ragstone walling shall use a lime based mortar and be completed with flush joints. The boundary treatments to the relevant housing areas and open space shall be implemented in full in accordance with the approved details and timetable.

Reason: To ensure a satisfactory appearance to the development and in the interests of amenity of future occupiers.

- 15) No dwelling in any phase shall commence above slab level until a landscape scheme for that phase which accords with the principles of drawing 2845 LA 01 P3 has been submitted to and approved in writing by the local planning authority. The details shall include a landscape phasing plan and specifically incorporate an enhanced level of landscaping within the south eastern part of the site and include integrated wildlife friendly habitat.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 16) No dwelling in any phase shall commence above slab level until details of hard landscape works for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development.

- 17) The approved landscape details relevant to an individual dwelling shall be completed by the end of the first planting season following completion of that dwelling. Any other communal shared or street landscaping shall be completed in accordance with the approved landscape phasing plan. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first

occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 18) The development shall not commence until details of tree and hedgerow protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees and hedgerows to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 19) No external lighting shall be installed except in accordance with details that have been submitted to and approved in writing by the local planning authority. All lights shall be suitably cowled or shall have light directed downwards to minimise light pollution, having specific regard to the potential light spillage into the open countryside and AONB. The colour temperature of the lights should minimise ecological impact. Any lighting approved shall be implemented prior to the occupation of that part of the development and associated vehicular and pedestrian routes to the site access.

Reason: In the interests of visual amenity and ecological interest.

- 20) No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority which shall take account of verification/update ecological surveys carried out within 3 years prior to commencement of development. The content of the method statement shall specially include (but not be limited to) measures with respect to dormice and breeding birds, specifically setting out the following:

- a) Purpose and objectives for the proposed works:
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

- 21) Prior to the commencement of the development, details including an implementation timetable of how the development will enhance biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. This should include Biodiversity Net Gain of at least 20%. Enhancement measures shall include the installation of bee bricks, bat tubes and bird nesting boxes, wildlife friendly gullies, fencing designed to enable wildlife movement, along with provision of generous native planting and a detailed management plan. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

- 22) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved details unless the local planning authority gives written consent to any variation. This shall give details of all the mitigation measures hereby approved and shall include details of the numbers and locations of the following: bird bricks; bat tubes; insect hotels; wildlife gaps in boundary fencing; deadwood piles; wildlife friendly gullies.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 23) The approved details of the parking/turning areas relevant to an individual dwelling or phase of which it forms part shall be completed before first occupation of that part and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 24) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 25) Prior to the development within any phase reaching slab level, a scheme for that phase shall be submitted to and approved by the Local Planning Authority for the storage and screening of refuse bins, and the collection of refuse bins. The approved details shall be implemented before first occupation of the relevant part of the development and retained thereafter.

Reason: In the interests of amenity and the streetscene.

- 26) The access to the site from Old Ham Lane shall be carried out in accordance with drawing number 13533-H-11 P3 and 13533-H-11 P2 hereby approved and shall be completed before the first occupation of the buildings hereby permitted. Prior to first occupation, the approved vehicular visibility splays (with no obstruction over 1m) and pedestrian visibility splays of 2m x 2 m behind the footway on both sides of the access (with no obstruction over 0.6m above footway level) shall be implemented and retained thereafter.

Reason: In the interests of highway safety.

- 27) No dwelling shall be occupied until Old Ham Lane has been widened in accordance with a delivery scheme that has been submitted to and approved in writing by the Local Planning Authority. Such scheme will include details of the phased delivery of the new access to William Pit Playing Field and the subsequent permanent closure of the existing playing fields access to motor vehicles.

Reason: In the interests of highway safety.

- 28) No dwelling shall be occupied until details of a Travel Plan to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of sustainability.

- 29) Prior to the commencement of development, the Applicant shall submit a scheme to show the incorporation of a minimum of 10% renewable energy measures within the affordable housing elements of the scheme. Such measures shall be implemented prior to the occupation of the relevant dwelling and maintained thereafter.

Reason: To ensure that the development makes a positive contribution to reducing the impact of climate change

- 30) Prior to the first occupation of any dwellings hereby approved, a scheme for any relocation and/or replacement of the onsite electricity infrastructure shall be submitted to and approved by the local planning authority.

The scheme shall include a timetable of implementation, including any decommissioning of existing equipment and any provision of replacement infrastructure.

Reason: To ensure that infrastructure serving the site and surrounding area is provided and retained.

31) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- mitigation measures in respect of noise, dust, vibration and disturbance during the construction phases
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Details of the routing of construction traffic to the site and any traffic management measures.

Reason: In the interest of amenity and highway safety.

32) Prior to the development progressing above slab level, an air quality mitigation scheme shall be submitted to and approved by the LPA. It shall accord with Damage Cost Assessment within Chapter 5 of the Environmental Statement and shall detail:

- The Travel Plan
- Dust mitigation measures
- EV charging
- The method of space heating of the dwellings
- Pedestrian/cycle links through the scheme to enable non-vehicular access to the village centre.

Reason: To ensure a range of measures for air quality mitigation.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after. Secured by Design
- 2) Applicants/agents should consult us as local Designing Out Crime Officers to address Crime Prevention through Environmental Design CPTED.
- 3) The developer must ensure the works do not encroach on or impact on the safety, operation or integrity of the Network Rail land.
- 4) It is the responsibility of the applicant to ensure 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. 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 road. This is called 'highway land'. Some of this land is owned by The

Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

- 5) 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.

Case Officer: Marion Geary

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