

Decision Notice

MC/22/2346



Mrs Lucy Wilford
DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
United Kingdom

Applicant Name:
Lucy C/O Agent

Planning Service
Physical & Cultural Regeneration
Regeneration, Culture, Environment &
Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195

Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: Land At East Hill, Chatham, Kent, ,

Proposal: Application for non-material amendment to planning permission - Appeal ref APP/A2280/W/21/3280915 (MC/19/0765). Amendment to planning conditions.

Notification of Grant of Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for non material amendment as described above in accordance with your application received complete on 3 October 2022.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

- 1 Details of the appearance, landscaping, layout and scale for each phase or sub-phase of the site (hereinafter called 'the Reserved Matters') shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase or sub-phase begins. Development shall be carried out as approved.

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

- 2 Applications for approval of the reserved matters relating to the first phase or sub-phase of the development shall be made to the Local Planning Authority not later than 12 months from the date of the appeal decision (07.02.2022).

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 and to ensure the early delivery of housing on the site.

- 3 Applications for approval of the reserved matters on all remaining phases or sub-phases of the development shall be made to the Local Planning Authority not later than 5 years from the date of the appeal decision (07.02.2022).

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall begin no later than 6 months from the date of approval of the last of the reserved matters relating to the first phase or sub-phase to be approved. Development on any subsequent phase or sub-phase must commence within 6 months of approval of the last of the reserved matters relating to that phase or sub-phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure the early delivery of housing on the site.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 13 November 2020
08284a-A-L- (91)-013 Rev 1st (Access points off North Dane Way and
Capstone Road only)
17-035-016 Rev B Southern Roundabout Access

Received 15 November 2021
08284a-A-L-(00)-002 PL2 Existing Site Plan

Reason: For the avoidance of doubt and in the interests of certainty.

- 6 There shall be no development on the area hatched blue on the following plan:

Drawing Number:

08284a-A-L-(00)-005 PL14, dated 16 December 2021

Reason: To inform reserved matters and to protect the living conditions of the occupiers of dwellings in Carlton Crescent in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Prior to the submission of the first application for reserved matters, a phasing plan for the development of the entire site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall demonstrate how the development of the entire site can be brought forward to secure development in a timely manner in accordance with following elements and quantum's:
- o 800 houses/units maximum
 - o A Primary school and nursery within a 3ha site identified on Drawing Number 08284a-A-L-(00)-004 PL13
 - o A Multi Use Games Area/11v11 Sports pitch shown within the school land identified on Drawing Number 08284a-A-L-(00)-004 PL13
 - o Retail unit up to 150 sqm
 - o 19.53 hectares open space including identified areas for informal play and allotments
 - o 2 NEAPs and 1 LEAP in accordance with Fields in Trust guidance
 - o Woodland improvements and habitat creation
 - o Drainage infrastructure
 - o Public Rights of Way improvements
 - o Enhanced links to Capstone Country Park
 - o Road layout, pedestrian and cycle networks and footpaths
- The development shall be implemented in accordance with the most recently approved Phasing Plan.

Reason: This condition is required to ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good design.

- 8 Prior to the submission of a reserved matters application for any phase of sub-phase, a non-intrusive Archaeological Report identifying any potential for remains that may be present on the site for that phase or sub-phase and assessing their character, extent, date, condition and significance, together with recommendations in relation to any potential necessary safeguarding measures, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 9 Applications for reserved matters relating to siting and layout for each phase or sub-phase shall demonstrate how the development has been informed by any potential safeguarding measures identified in the Archaeological Report. The details to be submitted for that phase or sub-phase shall have regard to any areas identified as needing to be excluded from development and shall include details of foundation designs and any other proposals involving below ground

excavation. Development shall be carried out in accordance with the approved plans.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 10 No development or any site clearance or remediation works shall take place within a phase or sub-phase, until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within that phase or sub-phase, as well as post excavation assessment (including analysis of the site investigation records and findings and production of a final report on the significance of the archaeological, historical and architectural interest represented) and appropriate publication. The archaeological site work shall thereafter be implemented in accordance with the approved scheme.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 11 Applications for reserved matters relating to layout, landscape and scale, for any phase or sub-phase, shall detail existing and proposed land levels across that phase or sub-phase and in relation to the land adjacent to that part of the development site.

Reason: To enable assessment of the proposal in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 12 No development shall take place above slab level within any phase or sub-phase, until a Landscape and Open Space Masterplan for the entire application site, has been submitted to and approved in writing by the Local Planning Authority, which should address the following:

- i) the overall hard and soft landscape framework for the development;
- ii) the typical landscaping treatment for the highway network within the application site as a whole;
- iii) typical landscaping treatment for the housing areas within the application site as a whole and other use areas within the application site as a whole;
- iv) details of the public right of way improvements/surfacing, including the hard and soft landscaping treatment;
- v) typical landscaping treatments for any open space areas; and
- vi) the strategy for the provision of public open spaces, play spaces, amenity areas and allotments.

The approved Landscape and Open Space Masterplan shall be used to inform the reserved matters submission regarding landscaping. Each reserved matters application for landscaping shall include a review and update (where required) of the Landscape and Open Space Masterplan. The submission of the final reserved matters for landscaping will include the last review and update (if required) of the Landscape and Open Space Masterplan for the entire site. The development shall be implemented and retained in accordance with the approved Landscape and Open space Masterplan.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 Applications for reserved matters relating to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 Applications for reserved matters relating to layout for any phase or sub-phase shall include details of pedestrian and cycle routes within the development site, including improvements to Public Right of Ways RC9 and RC32. The development shall be implemented in accordance with the approved details prior to first occupation of the development within that phase or sub-phase and shall thereafter be retained.

Reason: To avoid harm to the safety of pedestrians and to enable a safe and convenient means of pedestrian access to the development, and improvements to the amenity of existing footpaths, in accordance with Policies T3 and L10 of the Medway Local Plan 2003.

- 15 Application for reserved matters relating to layout for any phase or sub-phase, shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. No building shall be occupied until the area for parking

relevant to that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles would likely to lead to hazardous on-street parking and to accord with Policies T1 and T13 of the Medway Local Plan 2003.

- 16 Applications for reserved matters relating to layout for any phase or sub-phase, shall include details of Electric Vehicle Charging Points (EVCP) at a ratio of one EVCP per private driveway and one EVCP per 10% of parking spaces within communal areas. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

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

- 17 No development, site clearance, ground preparation and/or any remediation works (but excluding the erection of tree protection fencing, site hoardings and archaeological investigations) shall take place on any phase or sub-phase until a Construction Environmental Management Plan (CEMP) for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but is not limited to, the following matters:

- i) the hours during which construction work, including works of site clearance, and deliveries to/from the site can take place;
- ii) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
- iii) details of measures to prevent the deposit of mud and debris on the public highway by wheeled or tracked vehicles;
- iv) measures, including noise control devices, to mitigate the impact of noise at nearby residential premises;
- v) measures to minimise the emission of dust from the site during the construction period;
- vi) arrangements for any temporary site lighting, including security lighting, its location and hours of operation;
- vii) a construction waste management plan that identifies the main waste materials expected to be generated by the development during

demolition and construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;

viii) pollution incident control measures;

ix) a nominated developer/resident liaison representative with an address and contact telephone number to act as first point of contact for residents who have any problems or questions related to the ongoing development for the construction period; and,

x) a Construction Surface Water Management Plan (CSWMP) detailing how storm and surface water is to be managed on site during the construction period (including works of site clearance, preparation and remediation works). The CSWMP shall include method statements, scaled dimensioned plans and drawings detailing the surface water management proposals, including temporary drainage systems, measures for managing pollution/water quality and protecting controlled waters and watercourses, and measures for managing any associated on or offsite flood risk.

The construction works shall be undertaken in accordance with the approved CEMP throughout the construction period of the relevant phase or sub-phase.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 No development or ground works and vegetation clearance shall take place within any phase or sub-phase until a detailed Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- Review and where required update of existing survey data
 - Overview of mitigation required
 - Details of habitat creation works required and timings to establish
 - Detailed methodology to implement mitigation
 - Timings of works - where required the mitigation requirements must align with the habitat creation works.
 - Identification of biodiversity protection zones; A map showing the areas where mitigation is required to be carried out.
 - The times during construction when specialist ecologists need to be present on site to oversee works;
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - Use of protective fences, exclusion barriers and warning signs; and,

- Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.
- Interim management plan prior to management plan required as part of condition 23 commencing.

The construction works shall be undertaken in accordance with the approved CEMP: Biodiversity throughout the construction period of the relevant phase or sub-phase.

Reason: Required before commencement of development in order to minimise the impact of the construction period on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 19 Applications for reserved matters relating to layout and landscaping, for each phase or sub-phase, shall be accompanied by a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme.

Those details shall include:

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined in paragraphs 167 and 169 of the National Planning Policy Framework 2021.

- 20 No development shall take place within any phase or sub-phase until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall assess the nature and extent of any contamination within the phase or sub phase, including risks to groundwater, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

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

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 22 No development shall take place (other than development required to enable the remediation process to be implemented, for the site to be secured or for the erection of tree protection measures) within a phase or sub-phase until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to any phase or sub-phase being brought into use.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 23 No development (except works required to enable the remediation process to be implemented, archaeological works to be undertaken, for the site to be secured and the erection of tree protection fencing) shall take place until a site-wide Ecological Mitigation Strategy has been submitted to, and approved in writing by the Local Planning Authority. The Ecological Mitigation Strategy will set out principles for ecological mitigation to be adopted in each phase or sub-phase of development and will consider (but will not be limited to) the following species and features:

- Chalk Grassland;
- Dormice;
- Designated Site;
- Skylarks
- Reptiles;
- Bats;
- Badgers;
- Farmland birds

The site-wide mitigation strategy shall be adhered to and implemented throughout the construction period.

Reason: Required prior to commencement of development to safeguard the ecological interests of the site before works commence that could cause harm and to ensure adequate maintenance for the protection of habitat and species to accord with Policies BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

- 24 No development (except works required to enable the remediation process to be implemented, archaeological works to be undertaken, for the site to be secured and the erection of tree protection fencing) shall take place within a phase or sub-phase until details of the Ecological Mitigation Strategy for that phase or sub-phase has been submitted to, and approved in writing, by the Local Planning Authority. The details will be based upon the Site-Wide Ecological Mitigation Strategy and will include the following details:

- Updated Preliminary Ecological Appraisal;
- Recommended specific species surveys;
- Details of mitigation measures;
- Detailed design(s) and/or working method(s) necessary to achieve mitigation;

- Identification of 'biodiversity protection zones' and details of use of protective fences, exclusion barriers and warning signs;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- Details of on-going management of the mitigation areas until the Landscape Ecology Mitigation and Management Plan (LEMMP) commences.

The approved Ecological Mitigation Strategy for each phase or sub-phase will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: Required prior to commencement of development to safeguard the ecological interests of the site before works commence that could cause harm and to ensure adequate maintenance for the protection of habitat and species to accord with Policies BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 180 of the Framework 2021.

- 25 No development (except works required to enable the remediation process to be implemented, archaeological works to be undertaken, for the site to be secured and the erection of tree protection fencing) shall take place within a phase or sub-phase until details demonstrating how biodiversity enhancements within that phase or sub-phase will contribute to achieving a minimum of 20% net biodiversity gain across the entire site and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall be implemented for that phase or sub-phase in accordance with the approved details.

Reason: Required prior to commencement of development to secure biodiversity enhancements, in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021, and as this is a benefit of the proposal that has been weighed in the planning balance.

- 26 Applications for reserved matters for any phase or sub-phase shall be accompanied by an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). The Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of:

All trees and hedgerows to be retained and removed.
Any facilitation pruning required.

Measures of protection to facilitate site preparation works to be undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations' (or any subsequent advice).

All areas of hard surfacing within the root protection areas of the retained trees and hedges, which should be of permeable, no-dig construction.

Foundation design where specialist foundations are required.

The approved barriers and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and before any development (except works required to enable the remediation process to be implemented, archaeological works to be undertaken and for the site to be secured) takes place and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. Ground levels shall not be changed, nor excavations made within these protective areas without the prior written consent of the Local Planning Authority.

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

Reason: Required prior to commencement of development to safeguard the arboricultural interests of the site before works commence that could cause irreversible harm and in accordance with Policy BNE43 of the Medway Local Plan 2003,

- 27 No development above slab level shall take place within a phase or sub-phase until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment and approved Technical Note. The total monetary value of the mitigation to be provided for that phase or sub-phase shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development of the relevant phase or sub-phase shall be implemented, and thereafter maintained, in accordance with the measures set out in the approved Air Quality Emissions Mitigation Statement.

Reason: To ensure a suitable living condition for future occupiers of the permitted dwellinghouses in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 28 No development above slab level shall take place within a phase or sub-phase, until a scheme of acoustic protection has been submitted to and approved in writing by the Local Planning Authority for that phase or sub-phase. The scheme

shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development within the relevant phase or sub-phase is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect residential amenity from road traffic noise and surrounding activities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 29 No development shall take place in relation to the school until a scheme of acoustic protection for the occupiers of the building in relation to noise from transport sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Building Bulletin 93 Acoustic Design of Schools: Performance Standards. All works which form part of the approved scheme shall be completed before any part of the building is brought into use and the development shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to ensure measures to safeguard conditions of amenity from road traffic noise and surrounding activities are designed into the building in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 30 Applications for reserved matters relating to layout for any phase or sub-phase shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). The development of that phase or sub-phase shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of Security, Crime Prevention and Community Safety and in accordance with Policy BNE8 of the Medway Local Plan 2003 and section 17 of the Crime and Disorder Act 1998.

- 31 Applications for reserved matters relating to layout for any phase or sub-phase shall include a Site Waste Management Plan (SWMP). The details shall include the siting and design for refuse storage and shall make provision for recyclables as well as general waste. No building within the phase or sub-phase shall be occupied until the refuse storage arrangements for that building have been implemented in accordance with details approved. The refuse storage arrangements shall be retained thereafter.

Reason. In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 32 Applications for reserved matters relating to layout for any phase or sub-phase shall include a full Sunlight and Daylight Analysis Report for that phase or sub-phase in accordance with the BRE Guide 'Site Layout Planning for Daylight and Sunlight' to demonstrate the proposed residential dwellings will achieve suitable sunlight and daylight levels in accordance with the BRE Guidance.

Reason: To ensure adequate levels of amenity for future residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 33 No development above slab level shall take place within a phase or sub-phase (except for site clearance, ground preparation and/or any remediation works, the erection of tree protection fencing, site hoardings and archaeological investigations) until details of the installation of fixed telecommunication infrastructure and high speed broadband within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. No building in any phase or sub-phase shall be occupied or brought into use before the telecommunication infrastructure and broadband to serve that building have been installed in accordance with the approved details.

Reason: To ensure that such equipment is an integral part of the design of the development in accordance with Policies BNE1 and CF14 of the Medway Local Plan 2003.

- 34 Applications for reserved matters for each phase or sub-phase shall include details of measures to address climate change and energy efficiency. The measures shall include, but are not confined to, meeting the objectives of the Future Homes Standard 2019 (or any subsequent amendment) and measures to utilise brown water.

Prior to the first occupation of any part of the development within the relevant phase or sub-phase, a timetable providing details for the submission of a verification report to be prepared by a suitably qualified professional confirming that all the measures to address climate change and energy efficiency as approved by the relevant reserved matters application have been undertaken for each building shall be submitted to and approved in writing by the Local Planning Authority.

Verification reports for the relevant phase or sub-phase shall thereafter be submitted to the Local Planning Authority in accordance with the approved timetable. The approved measures shall thereafter be retained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 35 No development above slab level shall take place within any phase or sub-phase until final details of the following highway works that provide access to that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority:

Received 13 November 2020

Drawing Numbers

17-035-013 Rev A

17-035-016 Rev B Southern Roundabout Access

The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase or sub-phase of the development that they serve or in accordance with a timetable that has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 36 No development above slab level of any part of the development shall take place until final details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

Received 13 November 2020

Drawing numbers:

17-035-020 Rev A Hempstead Road, Proposed Signalised Junction

17-035-021 Rev - Walderslade Road/Princes Avenue Proposed Roundabout Mitigation

17-035-022 Rev - St End/Capstone Rd/Luton High St Proposed Roundabout Mitigation

17-035-029 Rev 0 Proposed Mini-Roundabout Princes Ave/Prince Charles Ave

17-035-030 Rev B Proposed Shawstead Road Improvements (sheet 1 of 2)

17-035-031 Rev C Proposed Shawstead Road Improvements (sheet 2 of 2)

The development shall be implemented in accordance with the approved details prior to the occupation of the 160th residential unit or in accordance with a timetable that has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 37 Prior to the first occupation of the development in any phase or sub-phase, full details of any play equipment and safe surfacing to be provided within the Neighbourhood Equipped Area for Play, Locally Equipped Areas of Play and Multi-Use Games Area / 11V11 sports pitch and any means of enclosure, where they are provided within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The play areas shall be installed in accordance with the approved scheme prior to the first occupation of any residential unit in the relevant phase or sub-phase or in accordance with a timetable that has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.

Reason. To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 38 Notwithstanding the travel plan submitted with the application, prior to the occupation of the proposed development, a revised Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall thereafter be fully implemented.

Reason: To encourage sustainable forms of transport in accordance with Policy T14 of the Medway Local Plan 2003.

- 39 Prior to occupation or any phase or sub-phase (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 167 and 169 of the National Planning Policy Framework 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere.

- 40 Prior to the occupation of any retail unit hereby permitted, a scheme to minimise the transmission of noise from the unit shall be submitted to and approved in writing by the Local Planning Authority. Noise from the unit should be controlled,

such that the noise rating level (L_{Ar},T_r) emitted from the use shall be at least 10dB below the background noise level (L_{A90},T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which form part of the approved scheme shall be completed before any part of the unit is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 41 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and work should immediately stop on that part of the site to ensure that the contamination is not disturbed.

An investigation and risk assessment must be undertaken in accordance with the requirements of condition 20, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 21, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 21 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 42 No infiltration of surface water drainage into the ground is permitted without the prior written permission of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework 2021.

- 43 Piling or any other foundation designs using penetrative methods shall not be permitted without prior written permission of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a

piling risk assessment that there is not unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable levels of water pollution caused by mobilised contaminants in accordance with paragraph 174 of the National Planning Policy Framework 2021.

- 44 Within three months of works commencing (excluding remediation works, archaeological works and the erection of tree protection fencing) on the first phase or sub-phase, a Landscape and Ecology Mitigation Management Plan (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. This will include (but not limited to) the following:

The locations of and long-term management prescriptions for the skylark plots;
Updated plans to include the chalkland mitigation area and associated long-term management prescriptions;
Details of the measures to manage dormouse habitat and educate residence on this species;
Management prescriptions for the retained reptile habitat;
Management prescriptions for the ancient woodland buffers.

All subsequent phases or sub-phases shall undertake a review and update of the LEMMP which shall be submitted to and approved in writing by the Local Planning Authority upon commencement (excluding remediation works, archaeological works and the erection of tree protection fencing) of the phase or sub-phase to ensure there is one up-to-date LEMMP for the entire development site. Landscape and Ecology Mitigation and Management shall be undertaken in accordance with the approved details at all times.

Reason: To ensure protection of the ecological interests of the site in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

- 45 Within six months of works commencing on each phase or sub-phase (excluding remediation works, archaeological works and the erection of tree protection fencing), an external lighting plan will be submitted to and approved in writing by the Local Planning Authority, demonstrating that lighting in areas including (but not limited to) open parking courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space, will not adversely impact nocturnal wildlife. The details of the lighting shall include design, the exact position, light intensity and spillage. The lighting strategy shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure protection of residential amenities and ecological interests of the site in accordance with Policy BNE2 and BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

- 46 All gas fired boilers installed in the dwellings hereby approved shall meet a minimum standard of <40mgNOx/kWh or higher where the standard is exceeded by the requirements of Building Regulations.

Reason: To ensure air quality standards are not detrimentally impacted by the development in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 47 The approved retail floorspace shall not exceed 150sqm internal floor area and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 the retail development hereby approved shall only be used in Use Class E(a) at any time.

Reason: To enable the Local Planning Authority to control the use and not harm the vitality and viability of local shopping centres in the area in accordance with Policy R13 of the Medway Local Plan 2003.

- 48 The Class E(a) (retail) use unit hereby permitted shall only operate between the hours of 06:30 to 22:00 hours Mondays to Saturdays inclusive and between the hours of 07:30 and 20:00 hours on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of the occupiers of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 49 No commercial goods shall be loaded, unloaded, or otherwise handled and no delivery vehicles serving retail units shall arrive or depart the retail unit outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public Holidays.

Reason: To protect residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 50 The community or nursery facility hereby permitted shall only operate between the hours of 06:30 to 22:00 hours Mondays to Saturdays inclusive and between the hours of 07:30 and 20:00 hours on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of the occupiers of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

Your attention is drawn to the following informative(s) :-

- 1 In accordance with paragraph 38 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative and manner by:

Offering a pre-application advice service;

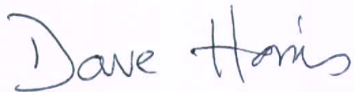
Updating applicants/agents of any issues that may arise in the processing of their application;

Where possible suggesting solutions; and

Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance the application was acceptable as submitted and no further assistance was required.

- 2 This decision also takes into consideration the Application Form and Cover letter, received on 30 September 2022.



David Harris
Head of Planning
Date of Notice 25 November 2022

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the Commercial Appeals Service and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.