

Appeal Decision

Inquiry held on 25 – 26 April 2023

Site visit made on 27 April 2023

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/A2280/W/22/3310119

**Land north of Moor Street & east of Otterham Quay Lane,
Rainham ME14 3EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Limited against the decision of The Medway Council.
 - The application Ref MC/21/3125, dated 21 October 2021, was refused by notice dated 24 October 2022.
 - The development proposed is 66 residential dwellings (including 25% affordable housing), together with open space, landscaping, drainage, access, parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for 66 residential dwellings (including 25% affordable housing), together with open space, landscaping, drainage, access, parking and associated works on land north of Moor Street & east of Otterham Quay Lane, Rainham ME14 3EN in accordance with the terms of the application, Ref MC/21/3125, dated 21 October 2021, subject to the conditions set out in the Annex to this decision.

Procedural matters

2. The proposal was reduced from 74 units to 66 whilst under consideration by the Council. This was the scheme decided by the Council and is the development which is the subject of this appeal.
3. The Council refused the planning application for reasons related to highway and heritage matters, although the authority always accepted that the heritage issue would not have been sufficient in itself to have refused planning permission.
4. After considering the highway matter further in the light of a nearby appeal decision and a clarificatory analysis, the Council resolved to withdraw its opposition to the appeal (30 March 2023). The authority concluded that, in the overall balance, the scheme should be granted planning permission.

5. This appeal was heard at a joint Inquiry with an appeal related to land at Seymour Road.¹ Although this related to different land, a different scheme, and different appellants, many of the issues were virtually identical, as was the position of the Council in both cases. However to avoid confusion this appeal is the subject of a separate decision.
6. A draft s106 planning obligation was discussed at the Inquiry, and a final version was submitted after the Inquiry closed. I return to that below.

Main issues

7. Based on the history of the proposal and my consideration of the evidence, the main issues in this case are:
 - The effect of the proposal on highway safety.
 - The effect of the proposal on the setting and significance of designated heritage assets.

Reasons

Background – the site, the proposal and the development plan

8. The appeal site is around 3.7 hectares of vacant agricultural land. It is bounded by residential and commercial development on all sides – most notably a large secondary school and related playing fields on the northern boundary.
9. To the south of the site is the A2 (Moor Street) which is the main road running through the centre of Rainham to the west. Rainham is a District Centre and is recognised by the parties as a sustainable settlement.
10. The Moor Street Conservation Area lies to the southeast of the site, along with two Grade II Listed Buildings – Westmoor Cottage and Westmoor Farmhouse.
11. The proposal was amended, as referenced above, by the reduction in housing numbers and a consequent increase in the central open space, with an increased gap between the eastern and western parts of the development. A new pedestrian path and access were introduced.
12. The development plan comprises the saved policies in the Adopted 2003 Medway Local Plan (LP), which covered the period 1996-2006. The Council has unsuccessfully tried to advance two new local plans. A new plan is in preparation. I will return to this below.
13. The appeal site is not allocated in the LP as it lies adjacent to but outside the defined urban boundary of Rainham. However that policy is out of date as its effect was to restrict the supply of housing. In addition the developed area of Rainham has been extended around the appeal site.
14. The LP policies related to the highway reason for refusal were T1 and BNE2. These deal with network capacity, traffic generation and safety amongst other matters.
15. The LP policies related to the heritage reason for refusal were BNE14 (dealing with development in or affecting the setting of conservation areas) and BNE18

¹ Appeal Ref: APP/V2225/W/22/3311965

(dealing with the setting of listed buildings). The latter policy simply states that development which would adversely affect the setting of a listed building will not be permitted. However this policy is out of date in that it fails to allow for consideration of public benefits.

Highway matters

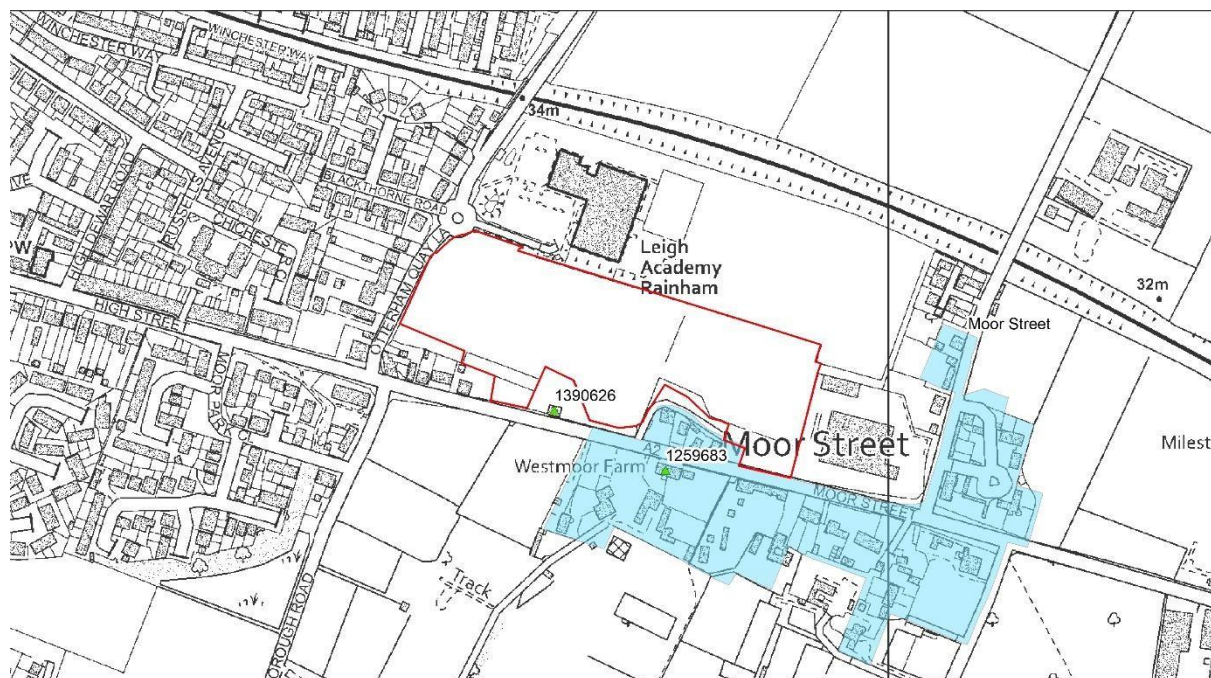
16. The A2 London Road runs broadly east-west and has a carriageway width of around 7.8 meters, and is subject to a 40 m.p.h limit – reducing to 30 m.p.h on the approach to Otterham Quay Lane. It has streetlighting and a footway. It gives access to Newington, Sittingbourne, Rainham and the M2. Otterham Quay Lane is to the west of the site, from which access would be gained.
17. There is no suggestion that safe access cannot be provided onto the road network. That was never a part of the Council's case even before the authority changed its position, and I have no reason to doubt that the proposed access would be safe.
18. The closest bus stops are on Otterham Quay Lane and the A2, representing a maximum three minute walk time. Rainham railway station is around 15 minutes walk away.
19. There has never been any suggestion that the site is not in reasonable walking and cycling distance of a range of local services and facilities, especially given the proximity of National Cycle Route 1.
20. The Council's (withdrawn) reason for refusal referred to the cumulative residual effect on the operation of the road network which, it was stated, would result in an unacceptable impact on highway safety, including as a result of vehicles re-routing along roads that are unsuitable to accommodate increased traffic flow.
21. The position of the authority in highway terms changed for two reasons. Firstly the consideration by the authority of two appeal decisions, dating from April 2022 and March 2023.² In both cases it was concluded that a severe impact would be unlikely. Although obviously relating to different proposals on different sites, these decisions are clearly material considerations as they address the same overall highway network.
22. The second reason for the Council's change of stance was further analysis of the highway situation. The safety record in the immediate vicinity indicates that human error was the dominant cause of the recorded incidents within the latest five-year period for which data is available. The layout or condition of the network does not appear to have been an issue.
23. The issue of vehicles re-routing along roads that are unsuitable to accommodate increased traffic flow reflected the select link analysis which was provided in Sweco's Medway Aimsun Model (2022). However subsequent clarificatory analysis provided by Sweco (2023) demonstrated that, although there would be likely to be a diversionary impact as a result of the scheme, this would be offset by existing trips on those routes taking alternative paths. The overall conclusion was that the absolute change in vehicles using the roads would be negligible.

² APP/A2280/W/21/3274932 and APP/V2255/W/22/3301685

24. No other technical evidence has been put before me, and I therefore conclude that the residual cumulative impacts of the proposal on the operation of the road network would not be severe nor result in an unacceptable impact on highway safety. There would therefore be no harm to highway safety and the proposal would not conflict with LP policies T1 and BNE2.

Heritage matters

25. Before considering heritage issues, I should note that the Council's former reason for refusal is unusual, in that it expressly stated that the public benefits of the proposal outweighed the heritage harm. It is hard therefore to see how this could have been a reason for refusing the proposal.
26. The site is not within the Moor Street Conservation Area, which is located to the southeast of the site. Westmoor Cottage (Grade II) is located immediately to the south of the site and is outside the Conservation Area; whilst West Moor farmhouse (Grade II) is located on the opposite side of Moor Street and is within the Conservation Area.



Location of Site with Moor Street Conservation Area, Westmoor Cottage (1390626) and West Moor Farmhouse (1259683) indicated

27. It is agreed between the parties that the proposal would cause less than substantial harm to the Conservation Area due to the change in its setting. There is a slight difference between the parties as to the extent of this harm – with the appellant placing it at the lowest end of the scale (which they describe as de minimis), and the Council placing it in the mid-range of the scale.
28. Dealing first with the significance of the site to the setting of the Conservation Area, the designated area covers the small settlement of Moor Street which, in past times, was dominated by agricultural and related industries. However in more recent times, the majority of the buildings have been converted to dwellings. Whilst there are therefore historic ties to the agricultural land surrounding the settlement, the significance of the area relates to its architectural and historic interest.

29. Due to the manner in which the site is enclosed by built development, the setting of the conservation area contributes little to the appreciation of the asset and the majority of the significance of the conservation area derives from the buildings within the area rather than external factors. That said, the proposed redevelopment of what is currently open fields would harm the asset. Given the above factors, I consider that the harm is at the low end of the less than substantial scale.
30. Turning to the two Listed Buildings, neither has any association with the appeal site in terms of land ownership or use. However there remains the fact that the current use of the appeal site could be taken as a reminder of the former agricultural use of the area. To that very limited extent, the loss of the open field would slightly reduce the contribution which the site makes to the appreciation of the asset. The Council assesses this as being at the low end of the scale of less than substantial harm, while the appellant is of the view that no harm would be caused. I agree with the Council that the loss of the open field and its replacement by a housing development, even one which incorporates a substantial open area, would cause a low level of less than substantial harm.
31. Overall, for the reasons set out above, the proposal would cause less than substantial harm to various heritage assets, at the low end of the range. It would therefore conflict with LP policy BNE14 and national policy. I will deal with the public benefits of the scheme below.

Other matters

32. The appeal relates to a full proposal. I note that no objection is raised by any party to the detailed design and layout of the scheme. The two elements of the proposal (separated by the central space) reflect the pattern of the part of Rainham to the west, with a looser approach to the eastern area.
33. The coastline of North Kent includes three Special Protection Areas (SPA) – Thames Estuary and Marshes; Medway Estuary and Marshes; and Swale. They are also RAMSAR sites. The appeal site is within 6km of the SPAs and RAMSAR sites. The increase in the number of dwellings would be likely to cause increased recreational disturbance and hence the need for a package of avoidance and mitigation. This is included within the s106 obligation. Overall I consider that the proposal would have no adverse effect on the integrity of the European protected sites, and there would be no conflict in this respect with the development plan or national policy.
34. In relation to housing need, both parties agree that the Council cannot demonstrate a five year housing land supply, and that there is an uncontested need for 1,700 affordable homes p.a., whilst on average only 211 have been delivered each year since 2017/18. The Council has attempted to produce two local plans, both of which were found unsound, and the latest draft is still a year from the Regulation 19 stage. Under these circumstances, there is no realistic prospect of the plan making process remedying the housing shortage even in the middle term.
35. The proposal would make a clear contribution to the shortfall of homes and affordable homes (25% of the development). This is particularly relevant when considering the Government's objective of boosting significantly the supply of

homes and noting the sustainable location of the site. I give the provision of general needs housing and affordable housing very significant weight.

36. The appellant has suggested a shorter commencement period than normal, and the early delivery of homes is a matter to which I attach further weight.
37. In addition the proposal would generate direct, indirect and induced economic benefits associated with temporary construction spend along with the additional spending from the new housing, along with job creation. I give that matter moderate weight.
38. There are embedded mitigation and biodiversity enhancements in the scheme and secured in the planning obligation and conditions. I give this limited weight.
39. The proposal includes a new pedestrian crossing over the A2, a pedestrian connection across the site and a new public open space. These matters are covered by conditions and the planning obligation. Although some elements of these matters would benefit the new residents, they would also benefit other residents, and I give this matter moderate weight.

Conditions and obligation

40. There are a range of planning conditions agreed between the Council and the appellant. I have made minor amendments to these in the light of national advice.
41. A number of conditions deal with the details of the proposal and secure the submission and retention of various matters (Conditions 1, 3, 4, 5, 6, 7, 8, 9, 28, 29). In particular the standard time period for implementation is reduced, as put forward by the appellant.
42. A condition (2) identifies the approved plans in the interests of clarity.
43. In the interests of avoiding pollution, conditions (14, 15, 16, 17) deal with potential contamination and the disposal of surface water.
44. Conditions (13, 33) address the effect of the construction and the finished development on the environment and the area.
45. Conditions (10, 18, 19, 20, 21, 22) address archaeological, biodiversity and ecological matters.
46. Sustainable transport and a Travel Plan are the subject of conditions (25, 27).
47. For highway safety reasons and to provide off-street parking two conditions (23, 24) deal with access. The provision of electric charging points is covered by a condition (26). Cycle storage facilities should be provided and final details of a Travel Plan should be submitted (25, 27) – both in the interests of encouraging non-car transport.
48. To protect the living conditions of existing and future residents, conditions (11, 13, 32) deal with noise and air quality issues, along with control over construction.

49. So as to control future alterations to the scheme and ensure the dwellings remain in use for that purpose and are not lost to the housing stock, certain permitted development rights are withdrawn (30, 31).
50. The planning obligation deals with a range of matters: affordable housing; open space provision; education; waste and recycling; health care; and a range of contributions to various facilities.
51. The Community Infrastructure Levy Compliance Statement sets out justification for the majority of the matters and contributions. Based on this evidence, I consider almost all the elements are necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind.
52. I have dealt with the benefits related to affordable housing and open space separately, but the other provisions are mitigation to make the development acceptable, and neutral in the planning balance.
53. There is one area where I do not consider that the contribution is justified. That is traffic monitoring and management and the related contribution. There is no evidence that this is warranted, and I do not support it.

Heritage and planning balance and conclusion

54. The proposal would conflict with the development plan as a whole. This is because there would be less than substantial harm to designated heritage assets. As required by the National Planning Policy Framework (the Framework), great weight is given to the harm to the significance of the designated heritage assets, although the harm identified is low.
55. However, the benefits I have identified above would cumulatively amount to public benefits in the heritage balance, and the totality of the public benefits are more than sufficient to outweigh the harm to all the heritage assets. However, the benefits I have identified above would cumulatively amount to public benefits in the heritage balance, such that I consider the totality of the public benefits to be more than sufficient to outweigh the harm to the heritage assets. The Council came to the same conclusion. Thus, the heritage harm does not provide a clear reason to refuse the development under Framework paragraph 11 d)(i).
56. Consequently, having regard to the lack of a 5 year housing supply, Framework paragraph 11 d)(ii) is engaged, such that there is a presumption in favour of granting planning permission for sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
57. The harm to heritage assets should also be considered in the overall balance, and in the light of any other harm. However there is no obvious remedy for the housing shortfall and the development plan is clearly failing to meet its strategic challenges. There is a persistent shortfall in market housing along with a substantial lack of affordable housing and the proposal would make a significant contribution to both. Furthermore, there are other benefits outlined above, such that, when applying the tilted balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

58. Consequently, the material considerations indicate a decision other than in accordance with the development plan.

59. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware
Inspector

APPEARANCES

Hashi Mohamed of Counsel, instructed by DHA Planning		
	He called:	
	Paul Lulham BA(Hons) MA (Oxon) MSc CMILT	Director, Transport Planning DHA
	Laura Garcia BA(Hons) MCIfA	
	Lucy Wilford BA(Hons) DipTP MRTPI	
Robert Williams of Counsel, instructed by the Solicitor to the Council		
	(Assisting with conditions and s106 obligation)	

INQUIRY DOCUMENTS

Doc 1	Summary of s106 agreement
Doc 2	Opening submissions on behalf of the appellant

ANNEX - CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers P001; P002 Rev G; P003 Rev D; P004 Rev D; P005 Rev D; P006 Rev D; P007 Rev D; P008 Rev C; P009 Rev C; P010 Rev C; P011 Rev C; P012 Rev C; P013 Rev C; P014 Rev C; P015 Rev C; P102; P103; P104A; P110C; P111B; P113B; P114B; P115; P122B; P125A; P126; P130B; P131A; P140c; P151B; P153C; P154; P160B; P161B; P162B; P171B; L P172C; P174; P180D; P190C; P191B; P200B; P210; P220A; P221 P300C; P301 C; 1592-001 Rev I; 1592 002 Rev F; 1592 003 Rev F; 1592 004 Rev E; 1519T02 Rev P5; 1519T03 Rev P5; 1519T04 Rev P5; 1519T05 Rev P5 received March and June 2022.
3. No development above ground floor slab level of any part of the development hereby approved shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
 - A schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and rainwater goods of the buildings;
 - For the eastern part of the Site (plots 40 to 66): detailed drawings at scale 1:5/1:10/1:20 of ridge, eaves, verge, brick bonding & joint types, mortar colours, scheme colourways, entrance recess soffits, window and door cills/jambs/heads, ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements. 4 The development shall be carried out in accordance with the approved details.
 - For the eastern part of the site (plots 40 to 66): facias and soffits to all ground floor bay window, porches, and roof projections to be provided in timber.
 - Service meter cupboards shall be internal.
4. Prior to the first occupation of any dwelling, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall be based on the "Landscape Masterplan", prepared by Murdoch Wickam, Dwg 1592/001 Rev I and the Tree Planting Strategy prepared by Murdoch Wickam, Dwg 1592/003 Rev F and include:
 - Plans and information providing details of coordinated hardworks & softworks, overlaying utilities, services. Planting plans should represent tree planting at maturity (demonstrating expected canopy spreads after a period of 25 years). 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, services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and

planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- Details for the design and specification of tree and hedge planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- A timetable for implementation.

The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

5. The means of enclosure/boundary treatments, car parking layouts, vehicle and pedestrian access and circulation areas shall be carried out in accordance with drawing numbers 4215/p009c; 4215/p004d; 4215/p008c 4215/p010c and 4215/p015c.
6. The open amenity land and tree planting within the central part of the site shall be provided in accordance with "Landscape Masterplan", prepared by Murdoch Wickam, Dwg 1592/001 Rev I and the Tree Planting Strategy prepared by Murdoch Wickam, Dwg 1592/003 Rev F and retained in perpetuity. No development shall take place on this land, 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).
7. Prior to commencement of development, the tree protection measures identified in the Arboricultural Impact Assessment prepared by Fellgrove dated August 2021 shall be installed and maintained until all equipment, machinery and surplus materials have been removed from Site. No tree shown for retention shall be damaged, cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Existing trees shall be retained and protected in line with BS 5837:2012 Trees in relation to design, demolition and construction. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these areas without the written consent of the Local Planning Authority. If any retained tree dies, or is removed, uprooted or destroyed during construction, another tree shall be planted at such time as may be specified in writing by the Local Planning Authority.
8. Prior to the first occupation of the development details of the Locally Equipped Area for Play (LEAP) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing and future management

of the areas to be provided. The LEAP shall take account of views from Moor Street to the south through the site. The development shall only be implemented in accordance with the approved details prior to the occupation of the 38th dwelling or in accordance with an alternative timetable which has been agreed in writing by the Local Planning Authority.

The play area shall be maintained in accordance with the approved details thereafter.

9. No development above ground floor slab level of any part of the development hereby approved shall commence until an Ecological and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the ELMP will ensure appropriate long-term management of wildlife habitat areas, and shall include the following:
 - long-term design objectives
 - management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space and communal areas (except for small, privately owned, domestic gardens) for a minimum period of five years from commencement of development and arrangements for implementation. description and evaluation of features to be managed.

The development shall thereafter be managed in accordance with the approved details.

10. No development (excluding the erection of tree protection fencing and site hoarding) shall take place until the developer has secured the implementation of:
 - archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - 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 in writing by the Local Planning Authority.
11. Within one month of the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 2005820-03D by Ardent Consulting dated March 2022 shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied or in accordance with an alternative programme if required, such programme to be submitted to and approved in writing by the LPA and shall thereafter be maintained in accordance with the approved details. The acoustic fencing as specified on drawing 4215/p009c to be provided and retained in perpetuity.
12. Prior to the commencement of the development (excluding the erection of tree protection fencing and site hoarding) a Construction Environmental

Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, details of any site lighting and its location and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

13. Prior to the commencement of the development (with the exception of the erection of tree protection fencing, erection of hoarding, site clearance works, archaeological works or remediation works) an Air Quality Emissions Mitigation Statement shall be 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 provide full details of the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality and Emissions Mitigations Assessment, reference 2005820-04, dated 14 March 2022. The total monetary value of the mitigation to be provided 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 shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.
14. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.
15. No development (with the exception of the erection of tree protection fencing, erection of hoarding, site clearance works, archaeological works or remediation works) shall take place until a scheme based on the sustainable drainage principles outlined in the Flood Risk Assessment and Drainage Strategy (Arden Consulting, March 2022), has been submitted to and approved in writing by the Local Planning Authority. Those details shall include (where applicable):
 - Details of the design of the scheme in conjunction with the landscaping plan.
 - A timetable for its implementation (including phased implementation).
 - Operational maintenance and management plan including access requirements for each sustainable drainage component.
 - Proposed arrangements for future adoption by any public body, statutory undertaker or management company.
 - Details of flood resilience and resistance measures specific to the building construction and site layout.

The development shall be undertaken in accordance with the agreed details.

16. Prior to occupation (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.

17. No development shall commence (with the exception of the erection of tree protection fencing, erection of hoarding, site clearance works, archaeological works or remediation works) until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- Temporary drainage systems.
- Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the agreed details.

18. No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles, nesting birds and hedgehogs during site clearance and construction works has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement will be in accordance with the Preliminary Ecological Appraisal and Reptile Survey Report prepared by Corylus Ecology and dated October 2021 and will include the:

- Purpose and objectives for the proposed works
- Working method, including timings, necessary to achieve stated objectives
- Extent and location of proposed works shown on appropriate scale plans
- Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake /oversee works.

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

19. From the commencement of works (including site clearance), all precautionary mitigation measures for reptiles shall be carried out in accordance with the details contained in section 5 of the 'Preliminary Ecological Appraisal and Reptile Survey Report' (Corylus Ecology April 2021).

20. Prior to the commencement of building works, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. These shall include the measures recommended in the Preliminary Ecological Appraisal and Reptile Survey Report, in addition to bat and bird boxes integrated to buildings on the site. This will include a completed biodiversity net-gain Defra metric assessment. The approved details shall be implemented and thereafter retained.
21. Prior to the installation of any external lighting a "bat sensitive lighting plan" for the site boundaries shall be submitted to and approved in writing by the Local Planning Authority strategy (in accordance with the specifications in Appendix 3 of the Preliminary Ecological Appraisal and Reptile Survey Report' (Corylus Ecology April 2021). The lighting plan shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
 - All external lighting shall be installed in accordance with the specifications and locations set out in the plan and these shall be maintained thereafter in accordance with the approved plan.
22. Prior to any clearance the vegetation shall be checked for active nests before works commence.
23. Prior to the start of development details of the access arrangements as outlined in drawing 15019-H-01 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with an agreed timetable.
24. The residential units herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space/garaging has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging.
25. 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 Travel Plan shall be based on the "Interim Travel Plan, October 2021 prepared by DHA Transport.
26. Prior to any development above slab level details of one electric vehicle charge point per residential unit shall be submitted to and approved in writing by the Local Planning Authority, and implemented prior to the occupation of the unit.

27. The residential units approved shall not be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2018 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.
28. The development shall follow SBD Homes 2016 guidance as outlined in the Kent Police letter dated 29/03/22.
29. Prior to the installation of any external lighting across the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use and a report to demonstrate its effect on the landscaping of the site and vice versa (including an overlay of the proposed lighting onto the site landscaping plans). Any external lighting shall be implemented in accordance with the approved details.
30. 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) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification).
31. 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), no external alterations or extensions shall take place to the dwellings in the eastern part of the development (plots 40 to 66), without the written consent of the Authority.
32. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 to 1800 hours, Saturdays 0830 to 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.
33. Prior to commencement of any part of the development above ground slab level, details of an updated Energy & Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. The updated statement shall set out how the development proposals will secure CO2 emission reductions over and above the requirements of Building Regulations 2021, through the use of all dwellings utilising Air Source Heat Pumps.