

Agenda Item: 5

Reference: EDC/16/0045

Site Address: Former Northfleet West Substation, Southfleet Road, Swanscombe, Kent

Proposal: Application for variation of conditions 3 & 17 attached to outline planning permission reference no. DA/05/00308/OUT

Applicant: Redrow Homes Limited

Parish / Ward: Swanscombe & Greenhithe

SUMMARY:

The application is made under section 73 of the Town and Country Planning Act 1990 to vary planning conditions 3 and 17 attached to outline planning permission ref. DA/05/00308/OUT.

The application seeks to vary condition 3 of the outline planning permission, to amend the approved parameter plans. The parameter plans underpin the masterplan and provide the parameters for development to which reserved matters must 'accord substantially with'. The changes submitted are to support the masterplan 'Version 2' which has been brought forward as part of the detailed design process. These changes primarily relate to amendments to the community sports facilities and the relocation of the pub/restaurant from the centre of the site to the south eastern corner. The changes proposed to the parameter plans would continue to provide a sound basis for the site wide masterplan.

The second element of the application relates to the amended wording of condition 17 to alter the affordable housing provision. The submission originally proposed the removal of all affordable units within phase 1 of the scheme and the replacement with starter homes. Through negotiation this was amended to 10% starter homes and 5% affordable homes. However a starter home is not currently considered an affordable product and so the recommended wording contains a requirement to relocate the 10% affordable homes that would have been in phase 1 into later phases of the scheme. This would secure the same level of affordable provision across Ebbsfleet Green but also add a starter homes component that would add to the choice of housing products in the area.

RECOMMENDATION:

Resolution to approve the application subject to:-

A: Entering into a deed of variation to the S106 secured with the outline planning application

B: Expiry of the consultation period with no additional material planning issues being raised that have not been considered in this report

C: And the following conditions: -

1. The development shall not be commenced later than 31 March 2017.
2. Before commencement of any part of the development under this permission details of siting, design, external appearance of the buildings and the landscaping (hereafter referred to as the reserved matters) of that part shall be submitted to and approved by the Local Planning Authority and the development to be implemented in accordance with the approved details. Applications for approval of reserved matters for the development hereby permitted must be made to the Local Planning Authority within 10 years from the approval of the Master Plan.

The details of siting, design, external appearance of the buildings and the landscaping in relation to Phase 1 shall be carried out in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01001/ECREM or any subsequent reserved matters approval.

3. The details to be submitted in accordance with Condition 2 shall accord substantially with the following drawings:
 - Red Line Boundary Plan - 01: RLBP-01
 - Existing topographical Survey: 0879-SK-029 Rev A
 - Site Clearance Plan: 0879-SK-030 Rev A
 - Proposed Site Levels: 2392-P2-EWK-01-005 Rev B
 - Land Use Plan – 03: LUP-03 Rev C
 - Building Heights Plan: BHP-01 Rev C
 - Open Space Plan 01: OSP-01 Rev C
 - Movement Framework Plan: MFP-01 Rev C
 - Northern site access Ghosted Right Turn Priority 0879-GA-02 Rev C; Southern site access 0504-GA-04 Rev A
 - Tree Survey - drawing numbers: 230720-P-10-01; 230720-P-10-02;

- Proposed contours and tree removal drawing numbers: 230720-P-11-01 Rev a; 230720-P-11-02 Rev a
 - Tree Protection Plans drawing numbers: 230720-P-12-01; 230720-P-12-02
 - Construction Methodology Statement March 2014.
4. Any proposed changes to the following strategies shall be submitted to and approved by the Local Planning Authority. Proposed changes will only be acceptable if the strategy as amended serves the underlying planning purpose at least as well as the strategy at the date of this permission. For the avoidance of doubt any amendment to a strategy shall bind all parties implementing or operating under this permission from the date of approval of the strategy. This condition applies to:
- (a) The Community Participation Strategy, December 2013
 - (b) Landscape and Open Space Strategy, March 2014
 - (c) The Transport Strategy, March 2014
 - (d) Biodiversity Strategy, December 2013.
5. Subject to the approval of all applications for detailed matters pursuant to condition 2 and subject to the extent of the site suitable for development due to archaeological historic environment, the maximum amount of floor space and development hereby permitted shall be:
- Up to 950 dwellings
 - Up to 5,000 sq.m for hotel uses (Class C1)
 - 2.05ha for primary school
 - Community facilities including community hall (358sqm), local shop (339sqm) and restaurant/pub (920sqm)
 - Public open space, including parkland, 2 sports pitches, a neighbourhood equipped area of play (NEAP), local play areas, changing facilities and community allotments
 - Pedestrian link to Fastrack
 - No less than 30% of the site shall be open space.

Informative: Open space is defined within the Landscape and Open Space Strategy submitted as part of this development.

Informative: The number of dwelling units granted planning permission relates to houses and flats only i.e. Use Class C3, it excludes care homes, short stay accommodation or any other residential development in Use Classes C1 and C2.

6. The Master Plan submitted for approval pursuant to Condition 12 shall accord with the objectives of the Biodiversity Strategy submitted with the proposal hereby approved. The Biodiversity Strategy may, from time to time, be reviewed and such amended document shall be submitted to and approved by the Local Planning Authority and shall become the approved Biodiversity Strategy for the purposes of this permission.
7. The Master Plan submitted pursuant to condition 12 and the details submitted in accordance with condition 2 shall accord substantially with the Landscape and Open Space Strategy approved as part of this permission and such details shall be implemented accordingly. The Landscape and Open Space Strategy may, from time to time, be reviewed and such amended document shall be submitted to and approved by the Local Planning Authority and shall become the approved Landscape and Open Space Strategy for the purposes of this permission.
8. The Master Plan submitted pursuant to condition 12 and the details submitted in accordance with condition 2 shall accord substantially with the Transport Strategy approved as part of this permission and such details shall be implemented accordingly. The Transport Strategy may, from time to time, be reviewed and such amended document shall be submitted to and approved by the Local Planning Authority and shall become the approved Transport Strategy for the purposes of this permission.
9. The Master Plan submitted pursuant to condition 12 and the details submitted in accordance with condition 2 shall accord substantially with the Sustainable Development Strategy, December 2013 and the Sustainable Design and Construction Strategy, December 2013, approved as part of this permission and such details shall be implemented accordingly. The Sustainable Development Strategy and the Sustainable Design and Construction Strategy may, from time to time, be reviewed and such amended document shall be submitted to and approved by the Local Planning Authority and shall become the approved Sustainable Development Strategy or the Sustainable Design and Construction Strategy for the purposes of this permission.

1ST STAGE SUBMISSION: PRE-DEVELOPMENT AND PRE-MASTERPLANNING

Archaeology (Historic Environment) Framework

Informative: Comprehensive archaeological investigation has not been carried out prior to this planning permission being granted. Given the archaeological potential of the site it is possible that some archaeology will be found that

needs to be retained in situ. It may therefore be that not all the land on the site is developable. Present evidence indicates that at least Area N10 of the existing Revised Archaeological Historic Environment Framework Areas may need to be preserved in situ and be accessible for future generations. Before any Master Plan is agreed and in order to have more clarity on the number of dwellings that can be accommodated on the site and within each phase, further archaeological investigation and evaluation needs to be carried out.

10. (a) Prior to the submission and approval of the Master Plan, required under condition 12, archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority shall be implemented in the areas identified as being of High Potential identified in the Archaeological Desk Based Assessment for Ebbsfleet Green hereby approved. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains shall be identified and agreed with the Local Planning Authority 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.
 - (b) Prior to the commencement of any development in other areas identified by the Historic Environment Framework as requiring further archaeological investigation, archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority shall be implemented. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains shall be identified and agreed with the Local Planning Authority 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.
11. An Historic Environment Framework for the whole site shall be submitted to and approved by Ebbsfleet Development Corporation as Local Planning Authority, prior to or at the same time as the Master Plan being submitted pursuant to condition 12. The Historic Environment Framework shall be implemented as approved and shall address the following issues and any other relevant issues that might arise:
 - (a) The site should be divided into a series of historic environment areas and characterised according to a methodology to be agreed with the Local Planning Authority but which takes its reference from the Geo-

archaeological evaluation report (MOLA 11) and the Archaeological Desk Based Assessment for Ebbsfleet Green (CGMS revised March 2014) approved under this planning permission and the further evaluation works required under condition 10.

- (b) For each historic environment area the mitigation requirements, including evaluation, preservation in situ, further archaeological investigation and management, will be set out. Recognition to be given that if a historic environment area falls within more than one development area it will be investigated as part of the works for the first development area. (This can include the identification of areas which require no further investigation).
- (c) Proposals for interpretation of the history and archaeology of the site should be agreed with the Local Planning Authority prior to implementation.
- (d) Appropriate archiving of any finds and the records of archaeological investigations at the site to be stored in a suitable repository to be agreed with the Local Planning Authority and undertaken by the developer with all costs covered in full.

2ND STAGE SUBMISSIONS: MASTER PLAN AND STRATEGIC INFORMATION TO INFORM THE MASTER PLAN

Informative: The Master Plan is intended to set the framework against which detailed submissions under condition 2 can be assessed.

Informative: Submissions at this stage are intended to provide sufficient context to enable decisions to be subsequently made in relation to the reserved matters. It should be noted that approval will not be given to the Master Plan until the strategic documents also required at this 2nd stage are considered acceptable.

Master Plan

12. A Master Plan, which shall be in broad accordance with the parameter plans showing land use distribution; and the Landscape and Open Space strategy, shall be submitted to the Local Planning Authority for approval prior to the submission of details under condition 2. Any replacement Master Plan which shall from time to time be produced shall also be submitted and approved by the Local Planning Authority. The Master Plan shall be based on a scale plan of 1:2500 and be supported by a written statement

It shall include consideration and detail of the following issues, although these are not exclusive, as the detail should also reflect the requirements of the approved Strategies, and other approved reports and strategies:

Land Uses

- a) The broad location and approximate disposition of all land uses and maximum floor space areas
- b) Location of local centre and uses within it
- c) The boundaries of the school site
- d) The approximate location of the community hall, shop and any other community uses
- e) Indication of affordable housing location.

Open Space

- f) The indicative locations of all areas of Open Land to be included, such general locations to take account of the principles of location and design set out in the Landscape and Open Space Strategy to include;
 - i) Retained landscaping
 - ii) Structural landscaping
 - iii) Parks and play areas
 - iv) Sport and recreation facilities
 - v) Ecological areas
 - vi) SUDs.

Form of Development and Design

- g) Extent of development and its density
- h) Building height ranges
- i) General location of landmark buildings and features
- j) Cross sections and perspectives of key streets, buildings and open spaces including adjacent areas (as built or as completed) where necessary in order to facilitate integration
- k) Key frontages
- l) Interfaces with neighbouring sites
- m) Boundary treatment details to the site perimeters - existing and proposed treatments
- n) Identification of broad design character areas in order to guide the more detailed reserved matters submission and ensure integration across the site.

Access and Car Parking

- o) Principal routes (vehicular, public transport, pedestrian and cycle) and connections to surroundings areas and local facilities and details of when these will become available for use

- p) Indication of the location of permissive ways which form connections with the boundary of the site, existing public rights of way and key landscape features and are to be located predominantly within open space as required by the Landscape and Open Space Strategy. An indication of the implementation programme for such permissive ways.
- q) Car parking standards, typologies and distribution and car parking management measures.

Public Realm

- r) Design principles for the public realm
- s) A lighting strategy and hierarchy across the site
- t) A street furniture strategy and hierarchy across the site
- u) A hard surface materials hierarchy
- v) Approach to soft landscaping in the public realm
- w) Management and maintenance.

Archaeology/Historic Environment

- x) Identification of areas of archaeological importance and those areas where remains are to be preserved in situ.

Existing Structures

- y) Identification of overhead power lines
- z) Other structures to remain.

Levels

- aa) Details of anticipated final ground levels and interfaces with existing ground levels. A comparison with existing levels on site should also be included, as well as cross sections of ground level in order to clarify proposals.

Integration

- bb) Indicate the location of footpath and cycleway connections to existing routes adjoining the site and identify any off-site works which will be required and any signage which may be necessary. An indication of when these connections should be available for use.

Landscaping in the event that the development is not completed

- cc) Interim landscaping plan and final landscaping plan to be implemented in accordance with Conditions 54 and 55 in the event that the development should cease, such plan to include ground levels and landscaping.

The details submitted under condition 2 shall generally accord with the

Master Plan as approved.

The Masterplan relating to Phase 1 only shall be carried out in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 14/01520/ECCDNA.

Nature Conservation Mitigation

13. Detailed mitigation strategies, programme of implementation and monitoring schemes for reptiles and dormice shall be implemented in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 14/01521/ECCDNA or any subsequently approved details.

Phasing Plan

14. The Phasing Strategy shall be carried out in accordance with details which have been submitted to and approved by Local Planning Authority under planning permission reference 14/01522/ECCDNA unless a revised strategy has been approved. The Phasing Strategy shall address the following issues:
 - (a) Where development is to start and its likely progress
 - (b) Primary and secondary accesses and construction access
 - (c) Implementation of utilities
 - (d) Timing for local centre, shop and community facilities to be provided
 - (e) Provision of pedestrian and cycle links to community facilities
 - (f) Implementation of structural landscaping
 - (g) Opening to public of open space and sport and recreation facilities
 - (h) When links to Eastern Quarry will be provided
 - (i) Implementation of public art
 - (j) Factors influencing phasing
 - (k) Monitoring and review
 - (l) The first phase shall either:
 - (i) Be no more than 230 dwellings; or
 - (ii) Include an identified sub-phase of no more than 230 dwellings
 - (m) The phase(s) within which the Wheelchair Accessible affordable dwellings will be provided.

The Phasing Strategy shall be reviewed and revised, where necessary and submitted for approval. The strategy should be implemented in accordance with the latest approved version.

3RD STAGE SUBMISSION: GUIDELINES FOR DETAILED DESIGN

Bio-diversity Strategy Implementation

15. The Bio-diversity implementation programme/ Ecological Management Plan shall be implemented in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 14/01521/ECCDNA or any subsequently approved programme. Such implementation programme shall accord with the mitigation and enhancement proposals and the management principles set out within the Biodiversity Strategy submitted and approved as part of this permission. The implementation programme shall be reviewed and where necessary revised and submitted for approval. The implementation plan shall be carried out in accordance with the latest approved version and the timescales set out there. Such an implementation plan should include the following:
- a) Detailed mitigation and enhancement proposals, including those agreed at condition 12 and a programme for their implementation to include existing habitats and species, introduction of new habitats and scheme wide initiatives.
 - b) The timescales for implementation should take account of detailed design and construction timescale and phasing and where relevant identify the constraints to these timescales resulting from bio-diversity issues.
 - c) Identify the need for detailed management plans to address those issues where the need for further detailed work is identified within the or under the programme of implementation.
 - d) A scheme for monitoring any mitigation and enhancement proposals identified in part (a) of this condition and also the management plans identified in part (c). Monitoring reports, incorporating recommendations for adjusting the programme of implementation and detailed management plans, shall be submitted to the Local Planning Authority at three yearly intervals once implementation of the Biodiversity Strategy has commenced (unless otherwise stated in the management plans). The programme of implementation and management plans shall be adjusted in line with the approved recommendations in accordance with a timescale to be agreed in writing with the Local Planning Authority. Monitoring shall cease 5 years after completion of the development.

Public Art Strategy

16. The Public Art Strategy shall be implemented in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 14/01523/ECCDNA. Any revised Public Art Strategy which may from time to time be prepared shall also be submitted for approval by the Local Planning Authority. The Strategy shall generally accord with the Master Plan approved under condition 13 and other strategies approved as part of the planning permission. Such Strategy should show the broad locations and timeframes for commissioning public art and address the following issues:

- a) Creation of local identity
- b) Focal points, gateways, buildings
- c) Open space
- d) Public realm
- e) Procurement process and delivery
- f) Review mechanisms.

Affordable Housing

17 Unless otherwise approved in writing by the Local Planning Authority:

- (a) the first phase or identified sub-phase of the development shall include 10% of the dwellings as starter homes and 5% of the dwellings as affordable homes consisting of an intermediate product
- (b) the balance of the first phase outside the sub-phase and all subsequent phases of the development shall include 30% of the dwellings as affordable homes; one or more of these phases shall also contain an additional affordable homes provision equating to a total of 10% of development within phase 1
- (c) within each phase (apart from the first phase) 50% of the affordable homes shall be affordable rented homes and 50% shall be intermediate housing
- (d) no more than 70% of market homes within each phase or sub-phase shall be occupied until the affordable homes (including the Wheelchair Accessible affordable housing units) in that phase or sub-phase have been provided in accordance with the scheme for that phase approved under condition 18
- (e) the affordable rented housing units shall be constructed to Lifetime Homes standards (or such national measure of sustainability for house design that replaces that scheme)
- (f) a minimum of 10 Wheelchair Accessible affordable housing units shall be provided within the development.

For the purposes of this condition a starter home is defined as: -

A dwelling which is sold at discount of 20% of open market value to a first-time buyer, under the age of 40 years old where the property cannot be sold at full market value for 8 years and with a price cap of £250,000

18. Prior to the submission of any application for the approval of details pursuant to condition 2 in relation to any phase (except Phases 1A and 1B – details submitted to and approved by the Local Planning Authority under planning permission reference 14/01525/ECCDNA) a housing strategy shall be submitted that identifies:
- a) The size of the proposed affordable rented units
 - b) The type of intermediate housing that will be provided
 - c) The affordable housing provider who will be providing the affordable housing units
 - d) The arrangements for the Local Planning Authority to nominate occupiers of the affordable housing units
 - e) The arrangements for ensuring that the affordable housing shall not be used for any purpose other than affordable housing save where, on terms set out in the proposed scheme, either:
 - f) There is a statutory or contractual right to acquire the property
 - g) A mortgagee or chargee enters into possession.
 - h) The location, sizes and number of starter homes

Informative: The following terms (and those related to them) shall be defined as set out below:

Affordable housing, affordable rented housing and intermediate housing shall have the same meaning as in the Glossary to the National Planning Policy Framework or any document that replaces that policy

Affordable housing provider means either: (a) a registered provider; or (b) an alternative person or body who may lawfully provide or fund affordable housing from time to time approved by the Local Planning Authority

Lifetime Home means a Dwelling constructed fully in accordance with the "Lifetime Home Revised Criteria July 2010" or any replacement guidance issued.

Wheelchair Accessible means a ***Lifetime Home*** which also has additional design features to provide increased space, choice and flexibility over and above that provided within a Lifetime Home, such design features shall be in accordance with the most recent edition of the "Wheelchair Housing Design

Guide" available from the Building Research Establishment or any successor guidance.

Informative: Details of the proposed registered provider, in relation to Phase 1, to be submitted to the Local Planning Authority prior to first occupation.

4TH STAGE SUBMISSIONS: DETAILED DESIGN

Details to be submitted alongside reserved matters submissions

- 19 Applications for approval of details pursuant to condition 2 shall include (where applicable) the following details which shall be approved by the Local Planning Authority before development of that phase commences. The development shall be implemented in accordance with the approved details.
- a) To include a plan of the area at a scale of 1:500 and an updated layout plan of the Master Plan (or part where appropriate) at a scale of 1:1000.
 - b) Landscaping (including submission of tree survey), details of play areas, where appropriate, and of all hard and soft landscaping (this shall include all landscaped areas even those not connected to built form)
 - c) Materials (including all external materials, doors, windows, detailing, etc).
 - d) Street lighting and street furniture
 - e) Boundary treatment
 - f) Surface finishes, hard landscaping details
 - g) Detailed foul and surface water drainage proposals
 - h) Final levels, original ground levels and appropriate cross-sections
 - i) Details of cycle parking
 - j) Details of lifetime homes
 - k) Schedule of open space serving this part of the development (where residential) details to consist of amount, type and location and phasing and details of delivery
 - l) External lighting (not street lighting) (i.e. to buildings, car parks, etc.)
 - m) Detailed Public Art specification, timeframe for delivery and management and maintenance schedule (in accordance with the latest approved version of the Public Art Strategy) for each area of Public Art identified in the Public Art Strategy for that part of the development
 - n) Details of television signal receivers and how to be accommodated (to be facilitated on shared basis where cannot be achieved through normal means)
 - o) Details of sustainable construction to include:

- the reduction in carbon emissions achieved through these building design and technology energy efficiency measures, compared with the emissions permitted under the national Building Regulations prevailing at the time
 - set standards for the proposed building(s) having regard to BREEAM ratings and the Code for Sustainable Homes (or an equivalent assessment method and rating)
 - indicate how sustainable construction methods will be utilised, including use of local materials
- p) Details of water conservation including:
- Methodology for reducing household water usage (including internal use, appliances and external use)
 - Methods for reducing non-household use of water, where appropriate
 - Water conservation to be achieved with regard to public and private landscaping
 - Programme for implementation of all measures and details of responsibilities for implementation, e.g. landowner, house builder, developer.
- q) Where a reserved matters submission is the first reserved matters submission for a Character Area defined by the master plan details of the following design principles for that area shall be submitted for approval:
- Architectural style and treatment
 - Building materials pallet
 - Surface materials pallet
 - Frontage types
 - Boundary treatments
 - Heights
 - Building forms

The details in relation to Phase 1 only shall be carried out in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01001/ECREM.

20. Applications for approval of details, pursuant to condition 2, which relate to buildings and structures, shall include details of all piling and foundations requiring excavation together with an assessment of the impact that such works will have on the groundwater and details of how the quality of the groundwater will be maintained. Such details shall be approved by the Local Planning Authority before that phase of works commences and shall be implemented in accordance with the approved details.

Development in relation to Phase 1 only shall be carried out in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01001/ECREM.

21. In those areas identified as having potential for archaeological remains in the Historic Environment Framework submitted under condition 11, applications for approval of details under condition 2 and 19 shall be accompanied by detailed designs of foundations and details of any other proposals (including shrub and tree planting) which involve ground disturbance and shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Development in relation to Phase 1 only shall be carried out in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01001/ECREM.

22. For any areas where archaeological remains are to be preserved in situ, as identified following the field evaluation work approved under condition 10, applications for approval of details shall be accompanied by management plans, to be approved by the Local Planning Authority which should set out how these remains should be preserved and managed in the future. The management plans should be implemented in accordance with the approved details.

The management plan in relation to Phase 1 only shall be implemented in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01001/ECREM.

REQUIREMENT AT DIFFERENT STAGES OF DEVELOPMENT

Accesses

23. Prior to commencement of construction an Access and Management Plan shall be submitted to and approved by the Local Planning Authority. Such Access and Management Plan shall include details of:
- Phasing of vehicular accesses and timing of their opening to general traffic
 - Details of pedestrian and cycle access to Swanscombe and Ebbsfleet Station and the programme for implementation
 - Emergency accesses to serve the site
 - Construction access.

The Access and Management Plan shall be implemented in accordance with the details approved.

Notwithstanding the details hereby permitted under planning permission reference 14/01527/ECCDNA, prior to commencement of construction of any development beyond Phase 1 (as permitted pursuant to applications DA/14/01517/ECREM and DA/15/01001/ECREM), full details of measures relating to the safe segregation of resident and construction traffic, if necessary requiring formation of a temporary haul route(s) within the site and/or a review of site phasing arrangements, shall be submitted to and approved in writing by the Local Planning Authority and the development of such subsequent phases shall proceed in accordance with these approved details.

Noise Mitigation

24. The noise attenuation fence to be erected along the western and southern boundaries shall be implemented in accordance with details which have been approved under planning permission 14/01528/ECCDNA. Such noise attenuation fencing shall be maintained in perpetuity.
25. The landscaped bund to be erected along the western and southern boundaries shall be implemented in accordance with details which have been approved under 15/01528/ECCDNA. Such landscaped noise attenuation shall be maintained in perpetuity.
26. Applications for approval of details, pursuant to condition 2, for those parts of the development identified in the Environmental Statement as requiring noise mitigation details shall be submitted with a mitigation report relevant to that phase for approval by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details.

The noise mitigation measures in relation to Phase 1 only shall be implemented in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission references 14/01528/ECCDNA and 15/01001/ECREM.

Telecommunications

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) details of any telecommunication masts proposed shall, as far as possible, be submitted with and approved as part of the details relating to the

area they are located within and submitted pursuant to condition 2. Any such telecommunication mast shall be implemented fully in accordance with the approved details.

Informative: KCC as education authority advise that there should be no telecommunication masts within 250m of the school site.

Landscaping

28. The landscaping schemes approved under condition 2 shall be implemented during the first planting season following completion of the relevant area of the development as defined in the Phasing Plan or in the relevant reserved matters submission and shall thereafter be maintained for a period of five years. Any trees, shrubs or grassed areas which die, are diseased or vandalised within this period shall be replaced within the next planting season.

Substation

Informative: The proposed sub-station indicated on the parameter plans does not form part of this planning permission and is shown for information only but is included within the red line and has potential for impact on the development.

29. Prior to the installation of boundary treatment to the proposed substation site, the details of such boundary treatment shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be implemented in full accordance with the approved details.

Playing Pitches

30. Details submitted pursuant to condition 2, relating to the playing pitches, shall include details of ballstop fencing, proposed ground levels, facilities for storage, changing pavilions, car parking and where appropriate flood lighting to be approved by the Local Planning Authority and implemented before the playing pitches can be used. Such details shall be maintained in accordance with the approved details and remain available for use.
31. The proposed playing pitches hereby approved shall not be used by the public until the completion of associated safety fencing and any boundary treatment. The proposed treatment shall first be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Thereafter the safety fencing and any boundary treatment shall be maintained in a condition such that the safety and operation of the adjacent A2 is not compromised.

Informative: The Highways Agency advise that the mitigation likely to be required to support this development may involve works to the public highway that can only be undertaken within the scope of a legal agreement between the relevant parties and the Secretary of State for Transport. Planning permission does not allow for such works. It is the responsibility of those promoting mitigation to ensure that before commencement of any works to the public highway, any necessary agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Service Delivery Manager for Third Party Schemes c/o Highways Agency, Federated House, London Road, Dorking, Surrey RH4 1SZ. Email: ha_info@highways.gsi.gov.uk. Tel: 0300 123 500.

School Site – Interim Landscaping

32. Where details are submitted (other than streets), pursuant to condition 2, relating to any area within 100m of the school site, details shall be submitted to and approved by the Local Planning Authority of an interim landscape scheme for the school site together with details of boundary treatment. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall be implemented in accordance with the approved details and maintained until such time as a contract is let for the school site.

INFORMATION REQUIRED PRIOR TO WORK STARTING ON SITE

Archaeology

33. The site preparation works and archaeological mitigation shall be implemented in accordance with planning permission 15/01466/ECCDNA.

Contaminated Land

34. Before commencement of any building operations within that relevant area or phase of the site, a Contaminated Land Assessment, including a site investigation and remediation methodology (if necessary) shall be submitted to and approved by the Local Planning Authority. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Any remediation details shall be implemented as approved.

Informative: For the avoidance of doubt, any geotechnical investigation work which involve ground disturbance shall be carried out under the supervision of a qualified archaeologist

Construction Management Plan

35. The Construction Management Plan shall be implemented in accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01466/ECCDNA that includes details of:

- (a) Hours of construction working
- (b) Health and safety
- (c) Dust and air quality mitigation
- (d) Noise and vibration mitigation
- (e) Water management
- (f) Pollution control
- (g) Waste minimisation and management
- (h) Ecology and environmental protection (inc tree protection) (i) Areas of Archaeological protection
- (j) Emergency planning
- (k) Community liaison
- (l) Site logistics and operations
- (m) Construction vehicle routing
- (n) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward.
- (o) Detailed plan showing different phasing, different developers and constructors and site compounds to be updated on a 6 monthly basis.
- (p) Details for the creation and meeting of a Construction Liaison Group (officer based)
- (q) Details for the monitoring and review of the construction process (to include a review process of the Construction Management Plan during development).

All work to be carried out in full accordance with the approved Construction Management Plan unless agreed in writing with the Local Planning Authority.

Retained Landscaping

36. The Management and Maintenance Scheme for the retained landscaping shall be implemented in accordance with details which have been approved

under planning permission reference 14/01529/ECCDNA. Such details shall accord with the Landscape and Open Space Strategy approved as part of this permission and shall be reviewed every second year during the life of the development and where necessary the revised document shall be submitted for approval. The management of such retained landscape shall be carried out in accordance with the approved details at that time.

37. A scheme of working and code of conduct for earthmoving or landforming works shall be implemented in accordance with details which have been approved under planning permission reference 15/01466/ECCDNA or any subsequently approved scheme. The Scheme of Working and Code of Conduct shall be implemented as approved. The scheme shall include:

- (a) details of the depth, direction, method and phasing of Reason: earth movement
- (b) methods for the disposal of water from the Site, the natural and artificial drainage of the site during the earth moving operations and following restoration
- (c) location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking
- (d) storage of any skips, oil and chemical storage etc
- (e) hours of working
- (f) proposals for suppression of dust
- (g) noise mitigation measures
- (h) health and safety procedures
- (i) air quality mitigation and monitoring
- (j) community liaison
- (k) speed limits on site
- (l) sheeting of vehicles transporting materials on or off site
- (m) access and egress points to the site
- (n) monitoring and review provisions with the Local Planning Authority
- (o) permanent restoration plan to be implemented in the event that development should cease.

38. Unless otherwise agreed in writing, only dry, clean, non-putrescible waste materials (comprising topsoil, subsoil, brickwork, concrete, stone, clay, plaster, sand and silica or mixtures of the above materials) shall be deposited on the site. No sludges or slurries may be used.

CONTROLS OVER CONSTRUCTION

39. No trees, other than those shown on the approved plans, shall be felled, lopped topped or pruned or any hedges removed before or during building

operations except with the prior agreement in writing of the Local Planning Authority. Any trees removed of which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed by the Local Planning Authority.

40. (a) no demolition, site clearance or building operations shall be carried out within 50 metres of a tree or trees to be retained on site until fencing of a height of not less than 1.2m (4ft) has been erected around each tree or tree group to be retained on the site in accordance with details to be submitted to and approved by the Local Planning Authority before any work on the development hereby permitted is first commenced. Such fencing to be erected around the canopy spread of the tree. Such fencing shall be maintained during the course of the development and no storage of plant, materials or erection of buildings shall take place within the fenced area.

(b) No storage of materials shall take place beneath the canopy of the tree and no trenches shall be dug in this area unless otherwise approved by the Local Planning Authority.

41. No construction or recontouring work shall take place on the site outside of the hours of 08.00 to 18.00 (Mondays to Fridays inclusive) and 08.30 to 13.00 on Saturdays, and not at all on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

42. If during any works contamination is encountered which has not previously been identified, then no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted and received approval of an assessment of this unsuspected contamination together with an appropriate remediation scheme that is implemented as approved.

IMPLEMENTATION

Water Management

43. Water management on the site shall be implemented in accordance with the Foul and Surface Water Drainage Statement dated November 2013 hereby approved. Such water management shall be reviewed and revised where necessary, and submitted for approval prior to implementation. The water management on the site shall be implemented in accordance with the latest approved version of the Foul and Surface Water Drainage Statement.

The water management in relation to Phase 1 only shall be implemented in

accordance with details which have been submitted to and approved by the Local Planning Authority under planning permission reference 15/01001/ECREM.

Informative: If the SUDs system is not to be adopted a maintenance scheme is required to be approved and agreed under the s106.

Accesses

44. There shall be no occupation of any residential dwellings accessed from the northern site access until such time as the footway/cycleways on the eastern and western sides of Southfleet Road have been provided and is available for use together with the Toucan Crossing as shown on the means of access drawings approved for the northern access to the site.
45. There shall be no occupation of any residential dwellings accessed from the southern site access until such time as the footway/cycleway linking to the existing footway/cycleways on Southfleet Road has been provided and is available for use as shown on the means of access drawings submitted for the southern access to the site.
46. The hotel use, hereby approved, shall not be open for business unless there is a bus stop, which provides bus services with a direct link to Ebbsfleet Station, within 400m of the public entrance to the hotel, unless otherwise agreed in writing with the Local Planning Authority.
47. Following the opening to the public of the first community or retail facility within the local centre on the site, a pedestrian and cycle access connecting the centre to each cluster of one hundred or more units will be provided prior to the occupation of 100 dwellings in such cluster.
48. No more than 300 dwellings shall be occupied on the site until such time as an emergency access (to serve emergency vehicles and general traffic in the event of a road closure) is made available for use in accordance with details to have been approved by the Local Planning Authority.
49. No more than 500 dwellings shall be occupied on the site until such time as a secondary vehicular access is provided and is made available for use by general traffic in accordance with details to have been approved by the Local Planning Authority.
50. Prior to occupation of the first dwelling in the relevant area a contaminated land closure report relating to that area shall be submitted to and approved

by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Broadband

51. Prior to occupation of the first dwelling a fixed telecommunication infrastructure is to be installed within the development providing a superfast fibre optical network offering a single optical fibre direct to premise (single fibre to every dwelling and other buildings) with a minimum internal speed of 100mb to each premise. The network is to be installed at the same time as existing services during construction, ensuring sufficient capacity, including the sizing of the ducts, to cater for all future phases of the development.

CONTROLS OVER COMPLETED DEVELOPMENT

Control over Alterations and Additions

52. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no extensions, alterations or other form of enlargement including roof enlargements shall take place without the prior permission of or on behalf of the Local Planning Authority.
53. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no building shall be erected in the curtilage of any dwelling hereby approved, with the exception of no more than one building of less than 10 cubic metres, without the prior permission of the Local Planning Authority.
54. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no windows or other similar openings shall be constructed in the buildings other than as hereby approved, without the prior written consent of or on behalf of the Local Planning Authority.
55. All windows which are shown to have obscure glazing shall be maintained as

such at all times.

56. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no demolition of buildings or boundary walls, fences or other means of enclosure shall take place unless agreed in writing by the Local Planning Authority.

Telecommunications

57. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no satellite antennae shall be erected on the dwellings hereby permitted unless agreed in writing by the Local Planning Authority.
58. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no telecommunications development shall be installed within the site unless otherwise approved by the Local Planning Authority.

IN THE EVENT OF DEVELOPMENT CEASING

59. In the event that building work should cease (that is, no more than 100 units are completed for occupation) on site for a period of 5 years, the interim landscaping plan submitted with the Master Plan and approved by the Local Planning Authority shall be implemented.
60. If no buildings are completed for occupation within a period of 8 years following implementation of the interim landscaping plan pursuant to condition 59, the final landscaping plan submitted with the Master Plan and approved by the Local Planning Approval shall be implemented.

COMMUNITY SPORTS FACILITIES

Community Use Agreement

61. Use of the community sports facilities shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the 3G pitch and include details of pricing policy, hours of use, access by users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure

the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

Management and Maintenance Scheme

62. Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review after consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. This must also include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G pitch.

Community Facilities Lighting Scheme

63. No development shall take place of the community sports facility until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from sports lighting and measures to ensure sports lights are switched off when not in use has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall accord with [Sport England's "Outdoor Sports Lighting" Briefing Note published in September 2010]. After commencement of use of the 3G pitch the sports lighting shall be operated in accordance with the approved scheme.

And for the following reason(s):

1. To comply with Section 92 of the Town and Country Planning Act 1990.
2. To comply with Section 92 of the Town and Country Planning Act 1990.
3. The environmental impacts of the development have been assessed in relation to the parameters of the development shown in the submitted drawings. In order to ensure the development proceeds on the basis of the scheme on which an environmental impact assessment has been undertaken, the permission needs to be substantially tied to the details assessed.

4. In order to ensure that the development is built out in accordance with the relevant and approved strategies and the required mitigation assessed by the Environmental Impact Assessment is delivered.
5. The development of the site is the subject of an Environmental Impact Assessment and any alteration to the scale of development might have an impact which has not been identified and assessed by that process.
6. In order to ensure that the development is built out in accordance with the Biodiversity Strategy and the required mitigation assessed by the Environmental Impact Assessment is delivered.
7. In order to ensure that the objectives of the Landscape and Open Space Strategy are addressed through the design of the development in order to ensure a high quality development and the development of a sustainable community.
8. In order to ensure that the objectives of the Transport Strategy are addressed through the design of the development in order to enable the creation of a public transport orientated development.
9. In order to ensure that the objectives of these strategies are addressed through the design of the development.
10. To ensure appropriate assessment of the archaeological implications of any development proposals before the master plan is fixed and the subsequent mitigation of adverse impacts through preservation in situ or by record.
11. To ensure appropriate assessment and mitigation of the development proposals on the historic environment in accordance with the Environmental Impact Assessment.
12. To ensure that a coherent approach is taken to the master planning of the development and to ensure that the site integrates with the adjacent development.
13. To ensure the continued presence of reptiles and dormice on the site.
14. To ensure that the development proceeds in a comprehensive and coherent manner.
15. To ensure that the Biodiversity Strategy is implemented as approved and is reviewed and monitored to ensure its effective operation.

16. In order to ensure the presence of suitable public art across the site in order to enhance the design quality of the development.
17. In the interests of the needs of the community, in accordance with the Allocations Policy, Policy CS 19: Affordable Housing and Dartford Housing Strategy 2009-2012.
18. In the interests of the needs of the community, in accordance with the Allocations Policy, Policy CS 19: Affordable Housing and Dartford Housing Strategy 2009-2012.
19. To ensure a high standard of design and to ensure that the development is built out in a comprehensive and acceptable manner.
20. In order to ensure there is no impact through foundations and piling, in particular, on the quality of the groundwater.
21. To ensure that due regard is had to the preservation in situ of important archaeological remains.
22. To ensure that due regard is had to the preservation in situ of important archaeological remains.
23. In order to ensure appropriate access to the site and surrounding areas for all users at an appropriate time.
24. To ensure the effective mitigation of noise impacts as identified and assessed in the Environmental Statement.
25. To ensure the effective mitigation of noise impacts as identified and assessed in the Environmental Statement.
26. To ensure the effective mitigation of noise impacts as identified and assessed in the Environmental Statement.
27. In order to ensure that the visual impacts of the telecommunication masts are taken into account of in the layout of the development.
28. To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development.
29. To ensure a continued high standard of design and in the interests of the

visual amenity of the site.

30. To ensure that the playing pitches are fit for purpose and to ensure there is no detrimental impact on the adjacent trunk road.
31. To ensure that the A2 Ebbsfleet junction continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. The safety fencing and boundary treatment should be designed, implemented and maintained to prevent, in normal circumstances, access to the strategic road network by participants, spectators and/or their equipment.
32. In the interests of visual amenity, to prevent erosion and dust, and in the interests of residential amenity.
33. In order to ensure that areas of important archaeological remains are not disturbed by site preparation or construction works.
34. In the interests of safety and amenity in accordance with Policies DL1 and DL4 of the adopted Dartford Local Plan and/or the protection of Controlled Waters
35. To ensure mitigation measures identified and assessed in the Environmental Impact Assessment are implemented during the construction of the development hereby permitted to minimise any adverse impacts of the construction process, to ensure efficient use of resources and a full understanding of the construction team by the Local Planning Authority.
36. To ensure that the retained landscaped is managed in a manner which ensures its retention within the site and to ensure that is managed fit for purpose.
37. To ensure that the land forming and earthmoving works permitted under this consent have environmental impacts no worse than those assessed in the Environmental Impact Assessment and to ensure that mitigation measures identified and assessed in the Environmental Impact Assessment are implemented.
38. To ensure that contaminated materials are not used and to ensure the deposited materials are robust
39. To ensure that as many existing trees and hedges are retained on the site in the interests of the sylvan character of the site and the visual amenity of the

development.

40. In the interests of the health and vitality of the trees to be retained on site.
41. To protect the amenities of the residents of nearby dwellings.
42. In the interests of safety and amenity in accordance with Policies DL1 and DL4 of the adopted Dartford Local Plan and/or the protection of Controlled Waters.
43. To ensure a sustainable, comprehensive and acceptable approach to the management of water resources and water levels during construction and operation of the development and to ensure appropriate water conservation measures are taken to meet Government targets and to implement mitigation measures identified in the Environmental Impact Assessment.
44. In order to ensure that there is adequate access for pedestrian and cyclists at first occupation in order to provide alternatives to the car.
45. In order to ensure that there is adequate access for pedestrian and cyclists at first occupation in order to provide alternatives to the car.
46. In order to ensure that the hotel is in a sustainable location and to facilitate an alternative to the private car.
47. To ensure that the residents of the site have access to the local community facilities provided.
48. In the interests of highway safety.
49. In the interests of highway safety.
50. In the interests of safety and amenity in accordance with Policies DL1 and DL4 of the adopted Dartford Local Plan and/or the protection of Controlled Waters.
51. To ensure sustainability of the development.
52. In the interests of the visual amenity of the development and in order to protect the amenity of neighbouring residents.
53. In the interests of the visual amenity of the development and in order to protect the amenity of neighbouring residents.

54. In the interests of the visual amenity of the development and in order to protect the amenity of neighbouring residents.
55. In order to protect the amenity of neighbouring residents.
56. In the interests of the visual amenity of the development.
57. In the interests of the visual amenity of the development.
58. In the interests of visual amenity.
59. To ensure and protect the amenity of new and existing residents.
60. To ensure and protect the amenity of new and existing residents.
61. To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan.
62. To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan.
63. To balance illuminating the [playing field/sports facility] for maximum use with the interest of amenity and sustainability and to accord with Development Plan.

Additional Informatives:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Ebbsfleet Development Corporation, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions:
 - The agent was advised of planning issues during the processing of the application and additional information has been submitted to address these.
 - The application was determined within the relevant timescales.
2. The applicant is advised that the granting of planning permission does not negate or override the need to obtain any other necessary consents related to this development and required under separate legislation.

1.0 SITE CONTEXT AND PROPOSAL

Background

- 1.1 In March 2014, outline planning permission (ref: DA/05/00308/OUT) was granted by Dartford Borough Council, for the redevelopment of the Ebbsfleet Green site for up to 950 dwellings and non-residential development comprising retail, food and drink, hotel, community, health, education, cultural uses, assembly and leisure facilities and landscaping. The permission is subject to a total of 60 planning conditions and a Section 106 Agreement.
- 1.2 The current application was validated on the 6th July 2015 and proposes to vary condition 3 and 17 of outline planning permission DA/05/00308/OUT. The outline permission requires the submission of a series of parameter plans (condition 3) for approval by the Local Planning Authority. The parameter plans underpin the masterplan (condition 12) and details submitted in accordance with condition 2 (reserved matters) must 'substantially accord' with the parameter plans. The parameter plans were previously approved as part of the outline permission, however have subsequently been revised to reflect detailed design proposals currently being brought forward.
- 1.3 This application also seeks to change the terms of the affordable housing provision in Phase 1. Condition 17 of the outline permission, identifies a 15% affordable housing provision for this phase, of which, 50% of the units are proposed as affordable rent and the remaining 50% are to be delivered as intermediate (provided in the form of shared ownership). The application when submitted sought to amend all of this provision to starter homes. Following discussions with EDC officers the proposal has been amended to seek 10% starter homes and 5% intermediate housing within phase 1 of the scheme. The remaining parts of the condition that relate to later phases would remain unchanged.
- 1.4 This application is being reported to the EDC planning committee as it has been 'called in' by Cllr Hunnisett who has raised the following: -

"The inclusion of Starter Homes is not considered to comply with the Dartford Local Plan and does not meet with the current government definition of affordable housing. Affordable homes are a prime concern to both the Local Authority and National Government and it is believed that any erosion/breach of the policy sends out a dangerous signal to developers."

Site Description

- 1.5 The overall Ebbsfleet Green development site (formerly Northfleet West Grid Substation) which is the subject of this application is approximately 38 hectares (ha) in area and lies to the south-east of the Eastern Quarry development. The site is bounded to the south by the A2 and to the east by Southfleet Road. The western and northern boundaries of the site are bounded by the DS20 Public Right of Way.
- 1.6 The landform of the site is varied, with the highest part of the site being along the western boundary and lowest part of the site on the eastern boundary. National Grid compounds are located on flat areas of the site. The electricity pylons on the site stand at approximately 50 meters in height and run in a line roughly north to south through the centre of the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1 **05/00308/OUT** – Redevelopment of site comprising a mixed use of up to 950 dwellings and non-residential floorspace for: shopping, food and drink, hotel use; community, health, education and cultural uses; assembly and leisure facilities and associated works to provide the development.
Approved with conditions and S106, 31 March 2014
- 2.2 **14/01522/ECCDNA** – Submission of details relating to phasing strategy pursuant to condition 14 of outline planning permission DA/05/00308/OUT for development of the site comprising a mixed use of up to 950 dwellings & non-residential floor space for: shopping, food and drink, hotel use; community, health, education and cultural uses; assembly and leisure facilities and associated works to provide the development.
Approved, 21st October 2015
- 2.3 **14/01520/ECCDNA** – Submission of details relating to Masterplan pursuant to condition 12 of outline planning permission DA/05/00308/OUT for development of the site comprising a mixed use of up to 950 dwellings and non-residential floorspace for: shopping, food and drink, hotel use; community, health, education and cultural uses; assembly and leisure facilities and associated works to provide the development.
Approved, 16th November 2015
- 2.4 **14/01517/ECREM** – Submission of Reserved matters in respect of Phase 1 Infrastructure Works pursuant to Conditions 2,19,21,22 and 32 of outline planning permission DA/05/00308/OUT inclusive of northern and southern sections of spine road, site levels, hard and soft landscaping (excluding Phase 1 residential area), indicative street and parkland lighting, local play

area, associated earth works and noise bund (amended plans for spine road, site levels, cut and fill, sections).

Approved with conditions, 24th December 2015

- 2.5 **15/01001** – Submission of reserved matters of siting, design, external appearance and landscaping pursuant to conditions 2,19,20,21,22,26, and 43 of outline planning permission DA/05/00308/OUT for Phase 1 development of 180 residential units including details of streets, buildings and structures, car parking areas, open spaces, materials, noise mitigation and drainage.

Approved with conditions, 21st January 2016

- 2.6 **14/01525/ECCDNA** - Submission of details relating to affordable housing pursuant to conditions 17 and 18 of outline planning permission DA/05/00308/OUT for development of site comprising a mixed use of up to 950 dwellings & non-residential floor space for: shopping, food & drink, hotel use; community, health, education & cultural uses; assembly & leisure facilities & associated works to provide the development.

Approved, 21st January 2016

3.0 PUBLICITY

- 3.1 Neighbour notification letter expiry date: 25th August 2016 (Residents of Castle Hill)

- 3.2 Site notice expiry date: 4th August 2016

- 3.3 Press notice expiry date: 4th August 2016

4.0 REPRESENTATIONS

- 4.1 No letters of representation have been received.

5.0 CONSULTATION RESPONSES

- 5.1 The application has been subject to formal consultation. Any consultation responses received after the publication of this report will be summarised in a supplementary update report. The application has been advertised on site, in the press and by individual neighbour notification letters to the owners and occupiers of nearby properties.

The following organisations have been consulted on the application:

- Dartford Borough Council (Planning & Environmental Health)
- Environment Agency

- KCC Ecology
- KCC Lead Local Flood Authority
- KCC Highways and Transportation
- National Grid Plant Protection
- Southern Gas Networks
- Southern Water
- Sport England
- UK Power Networks

5.2 The following responses have been received and summarised as follows:

Dartford Borough Council

The primary issue is whether the provision of Starter Homes on this phase of development in lieu of the conditioned affordable housing requirement is acceptable.

Policy CS19 of the Core Strategy requires developments of more than 15 units to provide 30% of the units as affordable housing. In terms of tenure mix, a minimum of 50% is to be provided as intermediate housing with the remained as social rented-housing. Since the Core Strategy was adopted, government funding regimes have moved away from social-rented housing, with sub-market rented housing being the main form of affordable rented provision being delivered.

In this case, a lower proportion of 15% affordable housing in the first phase was agreed under the condition in order to enable the development to proceed. The tenure mix of 50% affordable rented and 50% intermediate housing accords with the policy as far as is practicable under the current funding regime.

The proposed change to the affordable housing tenure to Starter Homes is not compliant with the Local Plan policy, since Starter Homes do not meet the current government definition of affordable housing. Therefore, they do not fulfil the requirement to provide affordable housing in any respect.

The government consulted on the introduction of Starter Homes in its NPPF consultation of December 2015. The consultation proposed that Starter Homes form a component of new affordable housing provision through developer contributions on private sites. As formulated in the consultation document, Starter Homes do not meet the current national definition of affordable housing since they make no provision for the recycling of subsidy for alternative affordable housing provision, as required by government policy (NPPF).

The previous Government had stated its intention to set out a new definition of affordable housing through the NPPF. No draft definition or draft Regulations have to date been made available. Questions have been raised on the operation of Starter Homes post construction, for example how and when they would become general market housing stock. The lack of guidance from government on these matters results in significant implications for the monitoring and enforcement of such units. There is currently no indication from the new government whether it intends to proceed with the proposals or what form they would take, if implemented. In these circumstances, the proposals of the previous government are considered to have insufficient weight as a material consideration to override existing Local Plan and national policy.

The purpose of the affordable housing requirement is to meet the needs of households who cannot afford housing on the open market. When Dartford carried out its assessment of housing need in support of the Core Strategy in 2010, it was assessed that in order to meet the needs of local households who could not afford housing on the open market, shared ownership levels would need to be predominantly at 25% to 50% (Core Strategy, para 4.18). Since that time, house prices in Dartford have increased at a far greater rate than income levels. A 20% discount on market prices is, therefore, unlikely to be affordable to the majority of first time buyers in Dartford. It will not, therefore, assist in meeting the affordable housing needs of local people, which is the objective of Policy CS19.

Six tests for conditions are set out in NPPF paragraph 206. This includes they must be enforceable and precise. The government's planning guidance further advises: "Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control." The definition and operation of Starter Homes policy is at present unclear, hence it would not be possible for the applicant to show the condition had been discharged or for planning authorities to detect contravention.

The proposal is not acceptable against local and national policy and neither does it meet the needs of local people who cannot afford to buy a house on the open market in this area. The proposal does not meet the six tests for conditions since it is not enforceable and precise. Dartford Borough Council therefore objects to the proposed changes to Condition 17.

Officer Comment: The assessment of the proposed changes to condition 17 is covered later in this report.

Sport England:

Sport England originally objected to the proposed changes to the community sports pitch provision, as the proposals would result in a loss of a proposed playing field when compared to the originally consented scheme. There is not currently a robust, up to date Playing Pitch Strategy and concerns were therefore raised that the loss had not been adequately justified. The applicant has subsequently submitted additional details to support the proposals and Sport England were re-consulted.

Sport England have now consulted the FA who have advised that, whilst they concur with Sport England's position on the existing Playing Pitch Strategy, and there remains insufficient robust data locally on football needs with regard to natural turf, the FA's own data indicates a need for additional 3G pitch provision in Dartford and in neighbouring Gravesham. The FA states that the current proposal is not compliant to any FA recommended pitch design guidance and therefore will limit the use and flexibility of the site. Whilst the proposal will reduce the overall playing area, the FA and Kent FA support the proposal as it will offer greater flexibility of use across all categories of the game. The FA have requested that the full size pitch (site footprint 112m x 76m) is designed and constructed to FA standards in accordance with The FA Guide to 3G Football Turf Pitch Design Principles and Layout – Over 18 and Adult Football design layout. They are also keen to see a community use agreement with the Kent FA as well as a management and maintenance scheme. In order to remove the objection and mitigate the loss of a playing field, Sport England requires a number of conditions to be placed on the application.

Officer Comment: A number of conditions are recommended to secure a Community Use Agreement, Management and Maintenance Scheme and Sports Lighting Scheme for the community sports pitches. A deed of variation in relation to the S106 will secure community sports facilities constructed to the FA standards as stipulated above.

KCC Highways and Transportation

The Highways Officer initially raised concerns in regards to the Access and Movement Plan, which appeared to show inaccuracies in respect of the Primary Pedestrian & Cycle Routes.

Officer Comment: The applicant has submitted a revised Access and Movement Plan which is considered to be acceptable and no objection is now raised.

National Grid

The applicant has engaged in discussions with National Grid in relation to the proposed amendments to the parameters plans, in so far as they relate to the retained National Grid land. No objections have been raised to the proposed amendments.

6.0 PLANNING POLICY

6.1 National Policy & Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

6.2 Dartford Borough Local Development Framework – Core Strategy (2011):

CS1 - Spatial Pattern of Development
CS4 - Ebbsfleet to Stone Priority Area
CS5 - Ebbsfleet Valley Strategic Site
CS7 - Employment Land and Jobs
CS8 - Economic Change
CS26 - Delivery and Implementation

6.3 Dartford Borough Local Development Framework – Local Plan – Saved Policies (2011):

T18 - Traffic Management
T23 - Parking
T27 - Pedestrians and the Environment
B1 - New Development

6.4. Dartford Development Policies Plan (DDPP) (draft December 2015) as emerging policy:

DP1 - Sustainable Development
DP2 - Good Design
DP3 - Transport Impacts of Development
DP4 - Transport Access and Design
DP5 - Environmental and Amenity Protection
DP7 - Borough Housing Stock and Residential Amenity
DP8 - Residential Space and Design in New Development
DP9 - Local Housing Needs

7.0 PLANNING APPRAISAL

Parameter Plans (Condition 3)

- 7.1 The NPPF has a presumption in favour of sustainable development, in relation to decision-taking this means approving development proposals which accord with the development plan without delay. The adopted Core Strategy is considered to be highly consistent with the objectives and principles of the NPPF and substantial weight should be given to relevant policies in the Plan, in accordance with paragraph 215 of the NPPF.
- 7.2 The Core Strategy, together with the Saved policies of the 1995 Local Plan, forms Dartford's Development Plan documents for the area and the application should be determined against these policies, unless material considerations indicate otherwise. Dartford Borough Councils (DBC) emerging Policies Plan Document has undergone significant consultation. Dartford Development Control Board have resolved to apply policies DP1-DP8, DP10 to DP19 and DP21 to DP25 and to give appropriate weight to these in making decisions on planning applications.
- 7.3 Policy CS4 of the Dartford Borough Council Core Strategy identifies a series of Priority Areas where the majority of future development in the Borough will take place. Each Priority Area is comprised of a number of major sites which have been assessed for their suitability for housing and employment use. Ebbsfleet, Eastern Quarry and Northfleet West Sub Station (NWSS), at the eastern end of the Priority Area, are the most significant of the sites and jointly form the Strategic Site referred to as Ebbsfleet Valley.
- 7.4 DBC Core Strategy Policy CS5 seeks to secure early delivery of mixed use development at Ebbsfleet Valley. The policy sets out the principles against which applications to change existing consents will be determined:
- The creation of linked residential communities with sufficient critical mass of support services, community infrastructure and the Fastrack service. At NWSS these will consist of predominantly family housing.
 - A walking and cycling network and a Fastrack route encouraging a high proportion of trips by sustainable means.
 - Provision of community infrastructure, including schools, health facilities, sports and leisure facilities, community meeting places, and shops provided at an appropriate stage of development to meet the needs of residents.
 - A mixed use centre at the heart of each residential village, including community facilities and local shops.
 - Physical and functional integration between the three separate development sites as well as with the existing communities.

- Provision of at least 30% of the site as open space forming a network of multi-functional greenspace linking in to the Green Grid and providing for leisure and recreation purposes.

7.5 In March 2014, outline planning permission (ref: DA/05/00308/OUT) was granted for the redevelopment of the site for up to 950 dwellings and non-residential development comprising retail, food and drink, hotel, community, health, education, cultural uses, assembly and leisure facilities and landscaping. The outline planning permission is broken into a series of staged submission requirements to ensure that the necessary level of site evaluation and a strategic site framework is established in advance of consideration of details.

7.6 The approved parameter plans underpin the Masterplan and provide the parameters for development, to which reserved matters applications must 'accord substantially with'. A number of detailed submissions and a revised Masterplan v2 have been submitted to the LPA. In advance of these submissions, updates are required to the parameter plans and strategy documents which underpin the Masterplan.

The following Parameter Plans have been update:

Approved Parameter Plan Reference	Updated Parameter Plan Reference
Proposed Site Levels: 0879SK-018 Rev B.	Proposed Site Levels: 2392-P2-EWK-01-005 Rev B
Land Use Plan – 03: LUP-03 Rev A.	Land Use Plan: LUP-03 Rev C
Building Heights Plan: BHP-01 Rev A.	Building Heights Plan: BHP-01 Rev C
Open Space Plan 01: OSP-01 Rev A.	Open Space Plan 01: OSP-01 Rev C
Movement Framework Plan MFP-01.	Movement Framework Plan: MFP-01 Rev C

Site Levels

7.7 The proposed amendments to the site levels parameter plan seeks to deliver an improved design. The levels across the site rise steadily in a west/north-westerly direction from the southern and eastern boundaries. A significant amount of 'cut and fill' earthworks have been approved as part of the Phase 1 infrastructure works to address the level changes.

7.8 The current consented scheme has a significant level change between the community pitches, hotel site and residential development. The revisions in this area have sought to minimise the change in levels between the playing

pitches, courts and pavilion. The most significant level difference would be between the sports pitches and hotel at the northern extent of the boundary which would rise from 1 metre to 4 metres (with the use of a retaining wall). The level difference would be made up of a gentle landscaped bank to create a more aesthetically pleasing solution. It should be noted that the proposed changes to levels do not impact upon the overall quantum of units which can be delivered on site. It is considered that the proposed changes to the levels would be minimal.

Land Use Plan

- 7.9 The revised land use plan is broadly in accordance with that originally approved under the outline consent DA/05/00308/OUT. The proposed amendments reflect changes that have been made to the Village Centre (centre of the site) and Phase 1c (south east corner of the site). The pub/restaurant which was originally sited in the centre of the site has now been relocated next to the hotel at the southern entrance to the site.
- 7.10 Following discussions with the applicant and the prospective operator of the pub/restaurant and hotel it was felt that the grouping of these facilities would be more logical and commercially viable. It is envisaged that the two complementary uses would operate closely to deliver services e.g. the restaurant would provide catering for the hotel and the two facilities would share car park parking facilities.
- 7.11 The pub/restaurant is envisaged as being an important asset of the new community at Ebbsfleet Green. The pub/restaurants new location at the entrance of the site would be within 800m/10 minute walk from the furthest points of the site (northeast and northwest corners). This is in accordance with the distance thresholds set out in the Dartford Development Plan (2015) which states that “a maximum walking distance of up to 800m to a range of public services and shops is the normal threshold level that would be applied in the Borough” (Para 9.13).
- 7.12 The new location of the pub restaurant helps to support the mix of uses in the south east quarter of the site; these include residential development, a hotel, a retail unit, a proposed office building and community sport facilities. The accessible mix of uses enhances the potential for multifunctional trips and reduces the need for travel in accordance with Policy DP2: Good Design in Dartford.

Building Heights Plan

- 7.13 Dartford Core Strategy policy CS17 (Design of Homes) seeks to achieve quality living environments and requires the application of the principles of Kent Design, in addition to setting out broad indications of appropriate net densities for urban sites. The updated building heights proposals set out in the revised parameter plan supports proposed changes to the approved Masterplan and the inclusion of a new land use not currently consented under the outline planning permission.
- 7.14 Changes to the building heights in the north east corner of the site have been updated to reflect the approved Phase 1a & 1b residential reserved matters application (ref. 15/01001) consented in January 2016. The changes include an increase from 2 to 2.5 storeys in north east of Phase 1a (residential). In addition changes have been made from 2-2.5 storeys to 2.5-3 storeys along the western edge of phase 1b (residential). The justification for the changes to Phase 1a and 1b were submitted and approved by the EDC Planning Committee as part of application ref. 15/01001.
- 7.15 The majority of the amendments to the building heights across the site relate to Phase 1c (residential) and the proposed Village Centre. The changes include an increase from 2-2.5 to 3-4 storeys along the western edge of phase 1c (residential), to reflect the mixed-use nature of this phase. The block to the north of the sports pavilion (proposed for future office use under ref. EDC/16/0071) has been decrease from 3-4 to 2-2.5 storeys. The changes also incorporate the relocation of the 2-2.5 storey pub restaurant to the hotel site, adjacent to the southern site entrance. The relocation of the pub/restaurant to the site entrance has resulted in an increase in building heights within the village centre, to accommodate additional residential uses. As a result this block has been increased from 2-3 storeys to 3-4 storeys.
- 7.16 The impact of the proposed changes to Phase 1c and the Village Centre have been considered against the Environmental Statement 'ES' and the Design and Access Statement 'DAS' submitted with the Outline Planning Permission ref. DA/05/00308/OUT. The ES assessed the proposed development in light of the original parameter plans. There is no specific reference to proposed building heights as part of the nine assessments included in the ES. Only the Landscape and Visual Assessment is considered to be relevant to building heights. The changes to the building heights have no impact upon the following assessments:
- Traffic and transport;
 - Socio economic effects;
 - Noise and vibration;
 - Air quality;
 - Nature conservation;

- Cultural heritage;
- Surface water drainage and flooding; and,
- Ground conditions and contamination.

7.17 The Landscape and Visual Assessment considers the existing baseline site conditions and assesses landscape, visual and cumulative effects of the proposed development. In terms of landscape effects, substantial re-grading of the site has been approved, including lowering the north west of the site by approximately 9 metres and raising the south west of the site by approximately 15 metres. The updated building heights proposals at Phase 1c and the Village Centre are designed to take account of these levels. Notably, the proposals do not require any additional level changes at their locations.

7.18 In terms of visual impact, the updated building heights proposals are not of any significance to lead to a different level of impact associated with views / view points at the site. Notably, the ES submitted with the outline planning application acknowledges that views will be affected by the proposed development as the site will change from a rural character to an urban character. The updated building heights proposals will not give rise to any change to the assessed effects.

7.19 The updated building heights proposals follow the approach set out in the Design and Access Statement consented as part of the Outline Planning Permission. In respect of Phase 1c and the Village Centre, the main consideration for the updated building heights proposals remains the creation, through urban design, of a comprehensible townscape, with a prominent entrance gateway, a linear main street and a recognisable local centre along the main route. Overall the proposed building heights changes in relation to Phase 1c and the Village Centre are considered to be acceptable as they do not lead to any change in the impact of the proposed development, as assessed by the Environmental Statement. It should be noted that no further changes are currently proposed in relation to building heights at this stage for phases 2a, 3 and 4.

Open Space Plan

7.20 Core Strategy Policy CS14 commits to implementing “a multi-functional, high quality, varied and well-managed Green Grid”. It requires new development to make a contribution to the Green Grid and seeks to protect and enhance existing open spaces, which include playing pitches. Core Strategy Policy CS22 protects existing sports and recreation facilities, and requires community sports facilities to be provided at major development sites. Policy DP24 in Dartford’s emerging Development Policies Plan continues the approach of the Core Strategy and sets out strict criteria for the development

of open spaces. The policy requires robust evidence to demonstrate the loss of any play pitches is justified on the basis that they are surplus to existing and future requirements.

- 7.21 The open space parameter plan changes relate to the amended playing pitch provision to be delivered on the Ebbsfleet Green site. The Outline Planning permission (OPP) was granted for up to 950 units, including community and leisure facilities. Condition 5 of the OPP states that the maximum amount of floorspace and development hereby permitted shall include “Public open space, including parkland, 2 sports pitches, a neighbourhood equipped area of play (NEAP), local play areas, changing facilities and community allotments”.
- 7.22 The S106 requires “Community Sports Fields” prior to the first occupation of 750 dwellings. The provision includes “two sports pitches, one artificial and one grass pitch”. Conforming to Sport England’s sizing specification for adult football pitches: 90m x 45.5m plus 3m runoff strip to pitch perimeter. Conforming to the Fields in Trust (National Playing Fields Association) guidance, with sports pitches to be of a north – south orientation. To include provision of a pavilion in accordance with Sport England guidance, car parking and ball stop fencing.
- 7.23 As part of the revisions to the Masterplan the applicant seeks to amend the playing pitch provision, with the aim of providing an enhanced and more versatile facility, with an improved design through changes to the levels and landscaping. The updated proposals reconfigure pitch provision to set out an alternative approach which includes a single full size multi use 3G pitch which can be split into 2 to 4 smaller pitches for junior or smaller games e.g. 9-a-side or 5-a-side.
- 7.24 The latest DBC Playing Pitch Strategy (June 2016) was published as part of the evidence base for the Development Policies Plan. The findings from this document have been used to inform the proposals for the sports pitches at Ebbsfleet Green. The strategy identifies a surplus in adult football pitches and a shortfall in junior pitches. The updated proposals include one senior artificial pitch (min 100 x 64m) which incorporates two 9- a side pitches and four 5-a-side pitches (which are 64 x 42m and 42 x 32m in size respectively). The new dimensions make the pitch wider; to better reflect the sizing of a professional pitch. The updated proposals also reconfigure associated consented sports provision including two tennis/ netball courts and sports pavilion. The facilities have been relocated from the west of the pitches (as set out in the approved Masterplan) to the east.

- 7.25 Concerns have been raised by Dartford Borough Council Officers and Sports England in regards to the loss of a full sized adult pitch and an initial objection was raised. Sport England has sought further clarification from the FA, as to the need for this type of sports facility within the Borough. The FA's own data indicates that there is a need for additional 3G pitch provision in Dartford and in neighbouring Gravesham.
- 7.26 The FA states that the current proposal is not compliant to any FA recommended pitch design guidance and therefore would limit the use and flexibility of the site. Whilst the proposal would reduce the overall playing area, the FA and Kent FA support the proposal as it would offer greater flexibility of use across all categories of the game. The FA have requested that the full size pitch (site footprint 112m x 76m) is designed and constructed to FA standards in accordance with The FA Guide to 3G Football Turf Pitch Design Principles and Layout – Over 18 and Adult Football design layout. Conditions are recommended to secure a series of other measures, including a community use agreement with the Kent FA, a management and maintenance scheme and floodlighting. The standards will also be reflected in the Deed of Variation to the S106.

Movement Framework Plan

- 7.27 The NPPF strongly advocates sustainable transport methods. The reduction of pollution and the use of public transport, walking and cycling are at the heart of the policy document as part of the core planning principles. The Dartford Borough Council Parking Standards Supplementary Planning Document (July 2012) 'provides guidance on parking standards in the Borough for all locations and land uses'. The guidance states that car parking for non-residential use should take account of the needs of pedestrians, particularly in relation to pedestrian desire lines.
- 7.28 The movement plan has been subject to minor amendments to address the removal of the bus/coach turn around at the southern site entrance. With the relocation of the pub/restaurant to this location, the opportunity has been created to provide a landmark building and an attractive landscaped entrance to the site. It should be noted that no objection has been raised by KCC Highways, to the removal of the bus turn around facility. It is envisaged that the bus/coach turn around would be relocated to a more central location.

Affordable Housing Provision (Condition 17)

- 7.29 The proposals seek to amend the wording of condition 17 which currently reads: -

Unless otherwise approved in writing by the Local Planning Authority:

- (a) the first phase or identified sub-phase of the development shall include 15% of the dwellings as affordable homes
- (b) the balance of the first phase outside the sub-phase and all subsequent phases of the development shall include 30% of the dwellings as affordable homes
- (c) within each phase 50% of the affordable homes shall be affordable rented homes and 50% shall be intermediate housing
- (d) no more than 70% of market homes within each phase or sub-phase shall be occupied until the affordable homes (including the Wheelchair Accessible affordable housing units) in that phase or sub-phase have been provided in accordance with the scheme for that phase approved under condition 18
- (e) the affordable housing units shall be constructed to Lifetime Homes standards (or such national measure of sustainability for house design that replaces that scheme)
- (f) a minimum of 10 Wheelchair Accessible affordable housing units shall be provided within the development.

7.30 The most relevant development plan policy is policy CS19 of the Dartford Core Strategy 2011, this requires:

- (a) In the urban area private housing development of 15 units or more (net) or site size of 0.5ha or more to deliver 30% of the units as affordable housing.
- (b) In the rural area (to the south of the A2): require private housing development of 2 or more units (net) to deliver 50% of the units as affordable housing.
- (c) Promote tenure mix which meets the needs and aspirations of residents by requiring a minimum of 50% and maximum of 80% of affordable housing developed as part of private developments to be provided as intermediate housing, with the remainder provided as social-rented housing. The amount will be determined on a site by site basis, taking into account site characteristics and development viability, and in the light of regularly reviewed assessment of local housing need.
- (d) Working with its partners, including Registered Social Landlords, private developers and the Homes and Communities Agency to ensure that the intermediate homes provided are at a cost which addresses local needs. This would require shared ownership levels predominantly at 25% to 50% share, as financial viability allows.

- 7.30 The Core Strategy defines affordable housing generically as “housing provided where the rent or price is reduced, directly or indirectly, by means of public or private subsidy”.
- 7.31 The National Planning Policy Framework (NPPF) Glossary provides a fuller definition:
- “Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.”
- 7.32 The NPPF also contains a number of provisions encouraging local planning authorities to identify, and provide for, affordable housing need in their areas (NPPF paras.47, 50).
- 7.33 Starter homes are currently supported by a national exception site policy introduced in March 2015 by a Ministerial statement and supported by Planning Practice Guidance (PPG). The policy expects applications for starter homes on commercial and industrial sites that are either under-used or unviable and has not currently been identified as housing to be approved unless there are overriding conflicts with policies in the NPPF.
- 7.34 Some details of what is meant by a starter home are set out in the Ministerial statement. They are “homes ... offered for sale at a minimum of 20% below open market price, to young first time buyers who want to own and occupy a home. They should also prevent the re-sale and letting of the properties at open market value for a 5 year period”. The Ministerial statement expects starter homes to be well designed and of high quality. The PPG clarifies that “young ... buyers” are those under the age of 40 at the time of purchase.
- 7.35 The policy however clearly only applies to exception sites and the application site is not an exception site. The proposed variation is contrary to local policy and the NPPF and there is no basis in the national policy on starter homes to support it.

Emerging Law and Policy

- 7.36 The 2015 Conservative party manifesto committed to the construction of 200,000 new starter homes. HM Treasury’s “productivity plan” (*Fixing the foundations* July 2015) reiterated that commitment and foreshadowed some of the developments.

December 2015 Consultation

- 7.37 A consultation on proposed changes to national policy (December 2015) sought views on a number of matters, including strengthening and extending the exception site policy, promoting starter homes on mixed-use commercial

sites, rural exception sites and brownfield sites in the Green Belt. Para.46 of the consultation paper notes tentatively that “if classified as affordable housing ... it should be possible to deliver starter homes through the existing rural exception site policy”. Para.9 proposes broadening the definition of affordable housing to include products that may not be subject to ‘in perpetuity’ restrictions (or a recycled subsidy) as per the NPPF definition. Para.10 refers to starter homes in this context:

“By adopting the approach proposed, we are broadening the range of housing types that are taken into account by local authorities in addressing local housing needs to increase affordable home ownership opportunities. This includes allowing local planning authorities to secure starter homes as part of their negotiations on sites.”

7.38 Government is yet to publish its report on the consultation responses and no changes have yet come forward; however the clear intention seems to be to broaden the definition of affordable housing in the NPPF to include starter homes.

7.39 Para.55 of the December 2015 consultation paper is significant; this relates to on transitional arrangements and so far as relevant provides:

“... We recognise in particular that a change in the definition of affordable housing in national policy will require local authorities to consider their Local Plan policies in the context of relevant evidence. They may need to develop new policy as a result, and carry out a partial review of the Local Plan ... We propose to introduce a transitional period for the amended affordable housing definition so that local planning authorities can consider making amendments to their local policies ...”

Housing and Planning Act 2016

7.40 The December 2015 consultation ran in parallel to the Housing and Planning Bill (see para.11). On 12 May 2016 this became the Housing and Planning Act 2016 (“the 2016 Act”). Chapter 1 of Part 1 addresses starter homes. None of the provisions have been brought into force and they largely depend upon secondary regulations.

7.41 S.2 defines “[w]hat is a starter home?” This generally follows the definition in the Ministerial statement and PPG (i.e. new dwellings for young first-time buyers with a discount of at least 20% of market value), although it adds a “price cap” which outside of Greater London is £250,000 (S.2(6)). Also, by S.2(1)(e) starter homes are “subject to any restrictions on sale or letting specified in regulations made by the Secretary of State” (see also S.3).

7.42 S.4(1) provides a general duty on local planning authorities in England to promote the supply of starter homes. S.5(1) is the most powerful new provision: a “starter homes requirement” on all new residential development. However the detail of the requirement is left off for regulations (S.5(4)).

- 7.43 The main other relevant provision in the 2016 Act is s.159 that inserts a new s.106ZB into the 1990 Act. The effect of that is to give the Secretary of State power to make regulations about the enforceability of s.106 agreements for affordable housing (s.106ZB(1)). Importantly, s.106ZB(4)(b) defines “affordable housing” for these purposes as including “starter homes within the meaning of Chapter 1 of Part 1 of [the 2016 Act]”. By s.106ZB(6) regulations may modify the definition of affordable housing.
- 7.44 The redefinition of affordable housing in the 2016 Act, albeit not yet in force and only for the purposes of new s.106ZB, appears to pre-empt the prospective change to national policy that will almost certainly include starter homes as a form of affordable housing.

March 2016 Consultation

- 7.45 The most recent development is the technical consultation on Starter Homes Regulations of March 2016 undertaken in anticipation of the 2016 Act. It sets out and seeks views on the Government’s proposed approach. In summary that approach is as follows:

Refining the 5 year restriction on re-sale and letting at open market value to allow some tapering, although not extending the period beyond the first 8 years of occupation;

- Introducing some limited flexibility on the 40 year age cap;
 - Imposing a starter homes requirement of 20% on all residential sites of more than 10 units or 0.5 ha;
 - Providing for certain limited exemptions from the starter homes requirement based on viability or the specific nature of the site;
 - Providing for off-site commuted payments in certain cases; and
 - Making provisions about monitoring and reporting.
- Clearly, the intention is to make starter homes a common feature of new residential developments in England.

- 7.46 The analysis in Annex A relies upon current evidence of affordable housing provision. The text on p.23 notes as follows:

“The cost to a developer of being required through a section 106 agreement to build starter homes is expected to be less per unit than other forms of affordable housing, as the starter homes discount is only at least 20% off market value; although the developer will face a higher sales risk as the purchaser will be an individual first time buyer than a housing association.

- 7.47 Accordingly, a higher proportion of starter homes could be expected to be secured through section 106 agreements on sites without impacting on site viability than other forms of affordable housing, although there would still be a threshold where the proportion would start to impact on viability.”

- 7.48 Affordable housing is also discussed in the main body of the text on the starter homes requirement. On p.11 it is said that:

“The Government also recognises the importance of local planning authorities’ [sic] continuing to have the local flexibility to secure additional section 106 contributions beyond the starter homes requirement, for shared ownership and other forms of affordable housing where it is both viable and there is a demonstrable local need.”

However, in discussing the appropriate percentage requirement, the Government clearly recognises a tension between the provision of starter homes and traditional affordable housing (see pp.12-13). The tension is between maximising starter homes/affordable housing and not prejudicing the viability of development.

- 7.49 The Government’s intention is for the regulations to apply as soon as they come into force, but the consultation paper seeks views on whether a transitional period should apply (p.18).

Discussion

Relevant Considerations

- 7.50 As outlined above in paragraph 7.35 the substitution proposed by the applicant is contrary to policy CS19 of the Dartford Core Strategy. As such s.38(6) of the Planning and Compulsory Purchase Act 2004 applies, namely that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 7.51 Consideration should therefore be given as to whether there are material considerations that indicate that despite the policy conflict, condition 17 should be varied as proposed (or otherwise).
- 7.52 The Government’s support for starter homes is clearly a material consideration. The 2015 manifesto ambition to deliver 200,000 such homes is clear and has been formally reiterated in Government statements and documents on numerous occasions. Similarly, the proposed changes to the legal and policy context on starter homes are also material. There is a clear indication that starter homes should be provided on residential site such as the application site. The likely details are that it will consist of 20% of the units at 20% of open market value to be sold to young first-time buyers, with controls on resale between 5 and 8 years and with a price cap of £250,000
- 7.53 It is acknowledged that there remains uncertainty on a number of these details. They are subject to secondary legislation and outstanding consultation. The main area of uncertainty however is the relationship between starter homes and traditional affordable house. This is referred to in the March 2016 consultation document but not directly addressed. However

some weight should be afforded to the details that have been consulted to date and the general direction in travel by Central government which strongly indicates that residential schemes will be expected to include a starter homes element.

- 7.54 Another material consideration is the local situation and the affordability of products in the area. The properties within Phase 1 of the scheme have now started to be released onto the market. The prices that the properties are being marketed at are unfortunately in excess of what the average local resident can afford. The cheapest product released as part of the first tranche of housing was a 1 bedroom ground floor apartment for £224,995. Research by EDC officers has found that the average wage for a resident of the Dartford Borough Council area is £28,000 per year. Mortgage products for a couple would generally be x 4 for the primary earner and x 1 for the secondary earner. If two residents live together both on this average wage it is likely that the maximum mortgage they could secure would be £140,000.
- 7.55 During the course of the application the applicant has amended the proposed provision from 15% to 10% of starter to retain a mix of tenures within Phase 1. The remaining 5% would be an affordable housing product.
- 7.56 There is clearly a balance to be weighed up when assessing the acceptability of this amendment. The proposal is contrary to the development plan and the NPPF but the signs from Government should be given some weight. Furthermore the local needs in the area do show that people on average incomes cannot afford to live at Ebbsfleet Green. The introduction of some starter homes would therefore assist in providing homes to a wider range of local residents. However it is not considered appropriate that any starter homes provision should be in lieu of affordable housing as currently starter homes do not meet the definition of affordable housing.
- 7.57 The negotiations taking place during the course of the application has already amended the proposed wording for condition to retain an element of traditional affordable within phase 1. Due to the emerging signs from government and the benefits that starter homes would have in adding to the housing products in the Garden City it would be advantageous in securing these. However the removal of 10% affordable provision across the site is not acceptable and so the revised condition recommends that these are re-provided in a later phase. This would result in retaining the current approved levels of affordable housing (albeit in a different location) as well as providing a starter homes product. The policy requires 30% affordable housing and due to viability evidence provided at outline stage a reduced level was already agreed for phase 1. There has been no information submitted to show why a further reduction should be allowed on site.
- 7.58 A definition of starter homes has been added to the draft condition 17 to ensure there is clarity as to what is being secured and condition 18 has also been updated to ensure that the location and mix of starter homes is agreed. On this basis a revised condition 17 is recommended for approval.

Condition Wording

7.59 The submission made by the applicant does not define a 'starter home' and it is insufficient to rely on the emerging definitions arising from Government Legislation and any forthcoming Regulations. In this form the condition would be potentially unenforceable as it depends upon uncertain future events. It is therefore necessary to define what a starter home would be on the site. A starter home is not currently a defined affordable housing product and so these should differentiate for the purposes of the condition.

7.60 The revised condition wording is therefore as follows: -

Unless otherwise approved in writing by the Local Planning Authority:

- (c) the first phase or identified sub-phase of the development shall include 10% of the dwellings as starter homes and 5% of the dwellings as affordable homes consisting of an intermediate product
- (d) the balance of the first phase outside the sub-phase and all subsequent phases of the development shall include 30% of the dwellings as affordable homes; one or more of these phases shall also contain an additional affordable homes provision equating to a total of 10% of development within phase 1
- (c) within each phase (apart from the first phase) 50% of the affordable homes shall be affordable rented homes and 50% shall be intermediate housing
- (d) no more than 70% of market homes within each phase or sub-phase shall be occupied until the affordable homes (including the Wheelchair Accessible affordable housing units) in that phase or sub-phase have been provided in accordance with the scheme for that phase approved under condition 18
- (e) the affordable rented housing units shall be constructed to Lifetime Homes standards (or such national measure of sustainability for house design that replaces that scheme)
- (f) a minimum of 10 Wheelchair Accessible affordable housing units shall be provided within the development.

For the purposes of this condition a starter home is defined as: -

A dwelling which is sold at discount of 20% of open market value to a first-time buyer, under the age of 40 years old where the property cannot be sold at full market value for 8 years and with a price cap of £250,000

Deed of Variation

7.61 A submission under S73 of the 1990 Act results in a fresh planning permission being issued. A deed of variation to the existing Section 106 Agreement is therefore required to ensure that the provisions and obligations secured within the original outline planning permission remain. The deed of variation would contain an amendment to the definition of 'community sports

itches' to reflect the content of the revised parameter plan and amendments to the specification and standards of these pitches.

8.0 FINANCIAL CONSIDERATIONS

8.1 Whilst this is not material to the decision, financial benefits will accrue to the area if permission is granted. The Government wishes to ensure that the decision making process for major applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this area the following benefits to the public purse accrue from development - New Homes Bonus and Council Tax for new dwellings.

9.0 HUMAN RIGHTS

9.1 The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

10.0 PUBLIC SECTOR DUTY

10.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

10.2 It is considered that the application proposals would not conflict with objectives of the Duty.

11.0 RECOMMENDATIONS AND CONCLUSIONS

11.1 The principle of development at Ebbsfleet Green has already been established under Outline Planning Permission DA/05/00308/OUT and the subsequent reserved matters applications. The proposed revisions to the parameter plans are broadly in accordance with the relevant strategies and plans already consented. The amendments would primarily relate to the relocation of the pub / restaurant into a more commercially viable part of the

site and a reconfigured community sports facility, which subject to specific design details and management information is acceptable. These parameter plans would provide a good basis for a masterplan revision and further detailed applications in due course. The proposed amendment to condition has not been accepted entirely. The addition of starter homes would follow the general emerging messages from central government and it would add to the housing products in the Garden City. However its provision should not be instead of affordable housing and so the condition has been amended to secure redistribution across the site.



NOTES

1. This plan is provided to guide the design of the proposed Red Line boundary for the National Grid West Substation. It is not intended to be used as a final design or to be used as a basis for construction. The design of the substation and its boundary is the responsibility of the National Grid West Substation design team.

2. The boundary shown on this plan is based on the current design of the substation and its surrounding infrastructure. It is subject to change as the design evolves.

3. The boundary shown on this plan is based on the current design of the substation and its surrounding infrastructure. It is subject to change as the design evolves.

4. The boundary shown on this plan is based on the current design of the substation and its surrounding infrastructure. It is subject to change as the design evolves.

5. The boundary shown on this plan is based on the current design of the substation and its surrounding infrastructure. It is subject to change as the design evolves.



TETLOW KING

ARCHITECTS, ENGINEERS, DESIGNERS & CONSULTANTS

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Red Line Boundary Plan - 01

DATE: 12/20/2024
 DRAWN BY: RBN
 CHECKED BY: RBN
 PROJECT: RBN-130307 RLB-01