

Reference: EDC/19/0161

Site Address: Former Croxton and Garry Site adjacent to London Road and Tiltman Avenue, Swanscombe.

Proposal: Application for minor-material amendment to outline planning permission reference EDC/17/0110, as amended by EDC/20/0008, (for residential development of up to 221 dwellings including new vehicular access to Tiltman Avenue, creation of a development platform and associated works) to allow for (i) a substitute drawing for Site Access and Visibility Splays under condition 3 and (ii) a substitute Development Framework Plan under condition 3.

Applicant: Bellway Homes Limited (Thames Gateway)

Parish / Ward: Swanscombe and Greenhithe

OVERVIEW:

Outline planning permission for residential development of up to 220 dwellings was granted in December 2018, subsequently amended in February 2020 to allow for an additional dwelling. This application seeks amendments to the outline permission in respect of the location of a vehicular access off Tiltman Avenue and the alignment of the boundary between proposed development land and open space land, which are considered to be minor changes that are acceptable.

If approved, the result would be the issue of a new standalone outline planning permission for the site with the only difference being reference in the decision notice to the substitute drawings.

This application was submitted in parallel with an application for approval of reserved matters for details of the residential development and requires approval in advance of that application.

RECOMMENDATION:

Approval, subject to the following conditions and informatives:

CONDITIONS

Time Limits and Approved Plans

1. The development to which this permission relates must be begun not later than 12th December 2021.

Reason - To comply with the provisions of section 92(2) of the Town and Country Planning Act 1990.

2. No development shall take place on any particular phase of development until details of layout, scale, appearance and landscaping (hereinafter referred to as the

'Reserved Matters') related to that phase of development have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved details. Application(s) for approval of all Reserved Matters for the first phase of development hereby approved, as identified in the Masterplan to be approved pursuant to condition 6 of this consent, must be made to the Local Planning Authority by 12th December 2020. Applications for approval of the Reserved Matters for all remaining phases of development must be made to the Local Planning Authority by 12th December 2021.

Reason - To accord with the terms of the outline planning application and section 92(2) of the Town and Country Planning Act 1990, as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

3. The details to be submitted in accordance with condition 2 shall accord with the following plans and pursuant to any conditions contained hereinafter:
 - Drawing No. 1332-C-230 - Development Framework Plan
 - Drawing No. 38453/014 Rev E - Land Raise: Proposed Contours Plan
 - Drawing No. 38453/012 Rev C - Land Raise: Development Platform Longitudinal Sections
 - Drawing No. 38453/011 Rev C - Land Raise: Development Platform Longitudinal Sections
 - Drawing No. 38453/013 Rev C - Land Raise: Cut and Fill Layout
 - Drawing No. 38453/015 Rev B – Land Raise: Site Plan Featuring Combined Topographic and Lidar Surveys
 - Drawing No. MBSK190731-01 Rev.P2 – Site Access Plan

Reason - For the avoidance of doubt and to ensure consistency with the outline parameters.

4. Where it is intended to undertake advance groundworks details of an interim groundworks scheme shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall be informed by the site levels and development area specified in the approved drawings listed in condition 3.

Reason - In order to assist the delivery of development by allowing for interim earthworks to be undertaken in advance of the detailed design.

Informative: The requirement for an interim groundworks scheme is only applicable in the event that the applicant or subsequent applicant proposes to undertake some groundworks in advance of undertaking full design work required through submission of a detailed masterplan and submission of subsequent Reserved Matters applications. The interim groundworks scheme shall be designed to retain flexibility over the provision of alternative forms of car parking to be determined through the detailed design process, such as the incorporation of basement or semi-basement parking.

Details Required Prior to Submission of First Reserved Matters

5. Post-excavation reporting of the geo-archaeological, palaeo-environmental and archaeological work shall be undertaken in accordance with the Proposal for Post Excavation Assessment, Analysis and Reporting approved under reference EDC/19/0146.

Reason - To ensure that features of geoarchaeological, palaeo-environmental and archaeological interest are properly examined and recorded, in accordance with adopted Dartford Local Plan Core Strategy Policy CS6 and adopted Dartford Development Policies Plan Policies DP12 and DP13.

6. Prior to or at the same time as submission of the first Reserved Matters application, except for any interim groundworks approved pursuant to condition 4, a detailed Masterplan for the whole site shall be submitted to the Local Planning Authority for its written approval. The detailed Masterplan shall be supported by a written statement and include consideration of the following matters:
- (a) Broad mix and type of housing, including approximate densities and indicative distribution of affordable housing;
 - (b) Broad location of all elements of green grid including public open space, to include not less than 1.04 hectares of the total site area as public open space as part of the 'green grid' (this amount to exclude the area identified as Cliff Zone on the approved Development Framework Plan). See Informative 4.
 - (c) Location(s) of equipped play areas;
 - (d) Connections to surrounding area, including the proposed public footpath diversion route and a direct pedestrian connection from the site onto London Road;
 - (e) Building heights;
 - (f) Approach to providing car parking;
 - (g) Land forming and approximate finished site levels;
 - (h) Heritage interpretation principles;
 - (i) Identification of any areas of archaeological significance (to be informed by investigations required pursuant to condition 5);
 - (j) Surface materials palette, including external lighting, street furniture and signage;
 - (k) Landscaping and planting strategy, including retained landscaping, incorporation of biodiversity protection and enhancement measures and a tree lined frontage onto Tiltman Avenue; and
 - (l) Details of development phasing and sequence of delivery.

Any replacement Masterplan which shall from time to time be produced shall also be submitted to and approved in writing by the Local Planning Authority.

The details submitted pursuant to condition 2 for any phase of the development shall generally accord with the detailed Masterplan relevant at the time of submission.

Reason - To ensure, in the event that the site is developed in phases, that the development is properly master planned to accord with adopted Dartford Local Plan Core Strategy Policies CS 17, 18 and 19 and adopted Dartford Development Policies Plan Policy DP2 and DP25.

Note: For the avoidance of doubt the Illustrative Masterplan accompanying this outline planning application was submitted for illustrative purposes only.

7. Prior to or at the same time as submission of the first Reserved Matters application, except for any interim groundworks approved pursuant to condition 4, a surface water drainage scheme for the site shall be submitted to the Local Planning Authority for its written approval. The details submitted should be based on sustainable drainage principles and an assessment of the hydrological and

hydro geological context of the development including the interaction with contaminated land and should include provision of measures to prevent the discharge of surface water onto the highway. The details shall include evidence for the provision and delivery of the drainage outfall and demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The scheme shall subsequently be implemented in accordance with the approved details before first occupation of the phase of development to which it relates.

Reason - In order to ensure adequate arrangements for the sustainable disposal of surface water in accordance with adopted Dartford Core Strategy Policy CS24.

Details Required to Accompany Reserved Matters Submissions

8. Applications for approval of Reserved Matters to be submitted pursuant to condition 2 shall, where applicable and unless otherwise agreed in writing by the Local Planning Authority, include the following:
 - (a) Notwithstanding details shown on the approved plans, details of the proposed finished site levels and finished floor levels in relation to existing site levels to include details of any retained trees and vegetation along the southern and western cliff boundaries. The details shall ensure that the finished floor levels of all dwellings are set no lower than 6.9 metres above Ordnance Datum (AOD) and that the gradient of the access roads do not exceed 1:10 for the first 1.5 metres from the highway boundary and no steeper than 1:8 thereafter.
 - (b) Details of noise mitigation and attenuation measures to mitigate the effects of surrounding noise sources on the proposed dwellings through the layout and landscaping as well as building construction and specification. The details shall be informed by a noise assessment supplementing the Noise Impact Assessment by Peter Brett Associates dated July 2017 that accompanied the outline application and shall include the noise attenuation provided by the construction, including design and installation of windows and ventilation.
 - (c) A schedule of the public open spaces within that phase of development, including details of size, location, layout and typology including a timetable for delivery;
 - (d) A daylight and sunlight assessment, including cross sections, to assess the relationship of the proposed dwellings, public open spaces and amenity areas with the adjacent cliffs;
 - (e) A Sustainability Statement to demonstrate how reductions in energy use through passive design and layout of development and sustainable construction methods have been explored and applied and to include details of any proposed renewable energy, water conservation and carbon reduction technologies or measures.
 - (f) Details of ecological enhancement measures to be incorporated into the development, including arrangements for management and monitoring.
 - (g) Details of how the development accords with the heritage interpretation principles to be established pursuant to conditions 5 and 6.

Reason - In order to reduce the risk of flooding to the proposed development, to provide acceptable access arrangements, to deliver ecological and biodiversity mitigation and enhancement, to safeguard the amenities of the occupants of the proposed development, to minimise water use and carbon emissions and to ensure the development reflects the heritage of the site in order to create a sense of place, in accordance with adopted Dartford Local Plan Core Strategy Policies

CS6, CS14, CS17, CS23, CS24 and CS25 and adopted Dartford Development Policies Plan Policies DP2, DP4, DP5, DP11, DP12 and DP13.

9. Applications for approval of Reserved Matters to be submitted pursuant to condition 2 shall, where applicable and where landscaping is submitted for approval, include the following information:
- (a) Details of public art and heritage interpretation measures including timescale for commissioning;
 - (b) Details of the proposed alignment, landscaping and specification of the diverted or retained public footpath DS3 to include details of surface treatment, gradients, lighting, cliff exclusion fencing (or alternative), signage and soft planting;
 - (c) Details of soft landscaping and tree planting, including any retained existing soft landscaping, along the frontage with Tiltman Avenue.

Reason - In order to ensure that the development creates a high quality environment through design and layout of open spaces, public realm and soft landscaping, in accordance with adopted Dartford Local Plan Core Strategy Policies CS6, CS14, CS15 and CS17 and adopted Dartford Development Policies Plan Policies DP2 and DP25.

Details Required Prior to Commencement of Development

10. No development shall take place on any particular phase of development, including any interim groundworks approved pursuant to condition 4, until a comprehensive Construction Environmental Management Plan (CEMP) covering all environmental impacts from the clearance/construction relating to that phase of development is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
- (a) hours of construction working;
 - (b) delivery times for materials;
 - (c) arrangements for the import and export of materials during earthworks;
 - (d) parking and turning areas for construction and delivery vehicles and site personnel and visitors;
 - (e) a construction traffic management plan to include construction vehicle routing and accesses, traffic management, signage and provision of wheel washing facilities;
 - (f) loading and unloading of plant and materials;
 - (g) dust suppression measures in accordance with the range of recommended risk mitigation measures set out in the Air Quality Assessment (Rev.01) by Peter Brett Associates dated July 2017;
 - (h) sheeting of vehicles transporting materials on or off site;
 - (i) noise and vibration mitigation if required;
 - (j) construction compound(s);
 - (k) temporary lighting;
 - (l) measures to protect existing drainage infrastructure;
 - (m) a biodiversity method statement;
 - (n) any storage of materials including oil and chemical storage;
 - (o) site security including location and appearance of temporary hoardings;
 - (p) community liaison to include maintaining communication with local residents, incoming residents, business and other stakeholders throughout the construction phase of the development;
 - (q) any temporary diversion of public footpath DS3;

- (r) measures to maximise sustainable import/export of goods and materials during earthworks and construction, including use of the River Thames if feasible; and
- (s) monitoring and review provisions with the Local Planning Authority.

Any vegetation clearance works shall be carried out outside of the bird breeding season (March to August inclusive) unless it has previously been certified by a qualified person as being compliant with the Wildlife and Countryside Act 1981.

The construction of the development shall adhere at all times and be carried out in full accordance with the relevant approved document or any subsequent variations that may be approved in writing by the Local Planning Authority.

Reason - In order to minimise and mitigate adverse constructional effects on residential amenity, wildlife and highway safety, in accordance with adopted Dartford Core Strategy Policy CS24 and adopted Dartford Development Policies Plan Policies DP3, DP5 and DP25.

11. No work on site, including any interim groundworks approved pursuant to condition 4, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording for the tunnels and other industrial archaeological features on site in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason - In accordance with adopted Dartford Local Plan Core Strategy Policy CS6 and adopted Dartford Development Policies Plan Policies DP12 and DP13.

12. No development shall take place on any particular phase of the development hereby approved, including any interim groundworks approved pursuant to condition 4, until details of a suitable reptile receptor site, including a timetable for reptile relocation from the application site, have been submitted to and approved in writing by the Local Planning Authority. The details shall be shown on appropriate scale maps and plans and shall include details of any habitat creation, management and monitoring for the receptor site in accordance with the Reptile Mitigation Strategy prepared by Middlemarch Environmental dated February 2017. Reptile relocation and mitigation shall thereafter be carried out in accordance with the approved timetable.

Reason - To protect and provide suitable alternative habitat for reptiles, in accordance with adopted Dartford Core Strategy Policy CS14 and adopted Dartford Development Policies Plan Policy DP25.

13. No development shall take place on any particular phase of the development hereby approved, including any interim groundworks approved pursuant to condition 4, until a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and, if necessary, an associated remedial strategy, together with a timetable of works, for that particular phase has been submitted to and approved in writing by the Local Planning Authority for that phase. The scheme shall comprise the following components:

- (a) A site investigation strategy based on the Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated July 2017, including relevant soil, soil gas, surface and groundwater sampling, to be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology;

- (b) The results of the site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including the need for any long term monitoring and maintenance. The works shall be of such a nature so as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

The development shall be carried out in accordance with the requirements and details of the approved scheme.

Reason - To ensure adequate assessment and appropriate remediation has been carried out to prevent any adverse effects of soil contamination to the public, environment and underlying protected groundwater, in accordance with paragraph 178 of the National Planning Policy Framework and in accordance with adopted Dartford Core Strategy Policy CS24 and adopted Dartford Development Policies Plan Policy DP5.

14. No development shall take place on any particular phase of development, except any interim groundworks approved pursuant to condition 4, until details of the proposed means of foul water disposal and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before first occupation of the part or phase of development to which it relates.

Reason - In order to prevent pollution of watercourses, in accordance with adopted Dartford Core Strategy Policy CS24 and adopted Dartford Development Policies Plan Policy DP5.

15. No development, except any interim groundworks approved pursuant to condition 4, shall take place on site until a detailed structural survey of the cliffs within the application boundary has been submitted to and approved in writing by the Local Planning Authority. The survey shall include details of any corrective actions and include a Management Plan that establishes monitoring, maintenance and management (including the funding mechanism) of the structure of the cliffs by an appropriate competent specialist during the lifetime of the development. The survey shall include a timetable for the implementation of any identified corrective measures required and the cliffs shall thereafter be maintained in accordance with the approved Management Plan at all times.

Reason - In the interests of providing a safe environment to the development and ensuring access to the site is maintained during the lifetime of the development, in accordance with adopted Dartford Core Strategy Policy CS14 and adopted Dartford Development Policies Plan Policy DP2.

16. No development, except earthworks, shall take place on site until a Local Employment and Training Plan that aims to maximise the opportunities for local residents and businesses to access employment offered by the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures to provide the following:

- (a) Identification of key objectives and targets of the Plan;
- (b) Promoting employment within the locality such as using local job shops and providing apprenticeship opportunities;
- (c) Employment and training pro-forma for contractors and developers to provide upon tendering, to encourage use of appropriate local labour;

- (d) To ensure the owner and contractors work directly with local employment and training agencies;
- (e) To provide training opportunities in respect of any construction jobs created; and
- (f) Arrangements for monitoring and reviewing the Plan against its specified objectives and targets, including provision of an annual monitoring report to analyse the number of local residents and contractors employed on the site.

The development shall thereafter adhere to the requirements of the approved document at all times, unless otherwise agreed in writing by the Local Planning Authority through a variation to the document.

Reason - In order to contribute towards the delivery of skills training and the promotion of apprenticeships and work placements, in accordance with adopted Dartford Core Strategy Policy CS9.

17. No development shall take place over public footpath DS3 until an Order for its permanent diversion has been made and confirmed, or it has been confirmed that the public right of way is to be retained in its present location. Thereafter public footpath DS3 shall be fully re-provided in accordance with details to be approved pursuant to condition 9 on its diverted or retained alignment in accordance with a timetable to be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to protect and enhance connections to and through the existing public right of way, in accordance with adopted Dartford Core Strategy Policy CS15 and adopted Dartford Development Policies Plan Policy DP4.

Prior to Development above Foundation

18. Prior to any development above foundation level, or as part of the applicable Reserved Matters application(s), samples of all external facing materials to be used on the building(s) within the phase of development to which they relate, including details of doors, windows and rainwater goods, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, to be carried out prior to the relevant building(s) first being brought into use.

Reason - In order to ensure an acceptable standard of development upon completion, in accordance, in accordance with adopted Dartford Development Policies Plan Policy DP2.

19. Prior to any development above foundation level, or as part of the applicable Reserved Matters application(s), details of the proposed hard surface treatments and boundary treatments within the phase of development to which they relate shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be constructed in accordance with these approved details and completed, in its entirety, prior to first occupation of the dwelling to which it relates.

Reason - In order to ensure an acceptable standard of development upon completion, in accordance with adopted Dartford Development Policies Plan Policy DP2.

Prior to First Occupation

20. No dwelling hereby approved shall be occupied until the applicant, or their agents or successors in title, have secured the implementation and completion of a programme of archaeological post excavation and publication work in accordance with a written specification and timetable to be submitted to and approved by the Local Planning Authority.

Reason - To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF (paragraph 199), adopted Dartford Local Plan Core Strategy Policy CS6 and adopted Dartford Development Policies Plan Policies DP12 and DP13.

21. No dwelling within a particular phase of the development hereby approved shall be occupied until a contamination closure report for that phase has been submitted to and approved, in writing, by the Local Planning Authority. The report shall demonstrate completion of any works required by the approved remediation strategy for that phase (to be approved pursuant to condition 13) and the effectiveness of the remediation and shall include details of the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology and details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria together with the necessary documentation detailing any waste materials have been removed from the site.

Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the Local Planning Authority.

Reason - To safeguard human health and the natural environment, in accordance with adopted Dartford Development Policies Plan Policy DP5 and paragraphs 178 - 180 of the National Planning Policy Framework.

22. No dwelling within a particular phase of the development hereby approved shall be occupied until the following documents, insofar as they as they relate to surface water drainage for that phase, have been submitted to and approved in writing by the Local Planning Authority:

- (a) A verification report, to be carried out by a suitably qualified professional to demonstrate the suitable installation of the approved surface water drainage system. The report shall contain information and evidence (including photographs) of earthworks, details and locations of inlets, outlets and control structures, extent of planting, details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners, full as built drawings, and topographical survey of 'as constructed' features;
- (b) A maintenance and management plan to include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the efficient operation of the sustainable drainage system throughout its lifetime.

The surface water drainage system shall thereafter be managed and maintained in accordance with the approved details.

Reason - In order to ensure adequate arrangements for the disposal surface water in accordance with adopted Dartford Local Plan Core Strategy Policy CS 24.

23. No dwelling within a particular phase of the development hereby approved shall be occupied until a scheme detailing the proposed soft landscaping associated with the particular phase of development has been submitted to and approved, in writing, by the Local Planning Authority. The details shall substantially accord with the landscaping strategy set out in the relevant approved Masterplan (if applicable) and shall include:

- (a) the type and species of planting to be carried out to include their quantity and size;
- (b) measures to promote biodiversity enhancement to include planting of native and wildlife attracting species and installation of bat and bird nesting boxes;
- (c) a timetable for implementation; and
- (d) details of initial aftercare, long term maintenance and details for monitoring and remedial measures.

The approved soft landscaping scheme shall thereafter be implemented in accordance with the approved timetable and maintained in accordance with the approved details.

Any trees or plants that die, are damaged, removed or become diseased within five years from the date of planting shall be replaced with a species of a similar size and species during the next available planting season.

Reason - To ensure an acceptable standard of development upon completion through provision and long term management of soft landscaping and to enhance local provisions for wildlife and biodiversity to mitigate habitat lost by development, in accordance with adopted Dartford Core Strategy Policy CS14 and Dartford Development Policies Plan Policy DP25.

24. No dwelling within a phase of development identified in the relevant Masterplan as including equipped areas of play of the development shall be occupied until details of proposed play equipment, including a timetable for installation, has been submitted to and approved, in writing, by the Local Planning Authority pursuant to this condition.

Reason - In order to provide high quality and functional public spaces to meet the needs of the development, in accordance with adopted Dartford Core Strategy Policy CS17 and Dartford Development Policies Plan Policy DP2 and DP8.

25. No dwelling within a particular phase of the development hereby approved shall be occupied until details of an external lighting scheme (including street lighting) for that phase has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the type and form of lighting including the physical appearance, location and sufficient information to assess the impact of lighting on existing and proposed sensitive receptors including dwellings and wildlife. The approved lighting shall be installed prior to first occupation of any dwelling within that phase and thereafter maintained in accordance with the approved details.

Reason - In order to ensure an attractive and safe environment and prevent light pollution, in accordance with adopted Dartford Development Policies Plan Policies DP5 and DP25.

26. No dwelling hereby approved shall be occupied until the 2no. vehicular access junctions shown on approved Drawing No. MBSK190731-01 Rev.P2 have been

provided in accordance with the approved details. Thereafter the 2no. vehicular access junctions shall be retained at all times that the development is in use and, notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modifications, the visibility splays shown on Drawing No. MBSK190731-01 Rev.P2 shall be provided and maintained at all times with no obstructions over 900mm above carriageway level.

Reason - In the interests of highway and pedestrian safety, in accordance with adopted Dartford Development Policies Plan Policies DP3 and DP4.

27. No dwelling hereby approved shall be occupied until a direct pedestrian footpath connection from the site to London Road, in the approximate location indicated on the approved Development Framework Plan, has been provided and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The connection shall thereafter be retained and maintained at all times.

Reason - In the interests of enhancing pedestrian connectivity in the area and providing a more direct connection for residents between the site and existing services and facilities in the area to encourage active travel, in accordance with adopted Dartford Core Strategy Policies CS15 and CS16 and adopted Dartford Development Policies Plan Policy DP4.

28. No dwelling hereby approved shall be occupied until details of a replacement boundary enclosure along the site's boundary with London Road has been submitted to and approved, in writing, by the Local Planning Authority. The replacement boundary enclosure shall thereafter be installed on site in accordance with the approved details prior to occupation of the 50th dwelling hereby approved.

Reason - In order to incorporate enhancements to the existing street scene commensurate with the scale of development proposed, in accordance with adopted Dartford Development Policies Plan Policy DP2.

29. No dwelling hereby approved shall be occupied until a Residential Travel Plan has been submitted to and approved, in writing, by the Local Planning Authority. The document shall incorporate the measures included in the Transport Assessment (Rev.A) dated August 2017 prepared by Peter Brett Associates aimed at reducing car based trips to and from the site and increasing the use of sustainable modes. Notwithstanding those measures, the Residential Travel Plan should include arrangements for measuring and monitoring the effectiveness of the document over at least a 5 year period following final occupation of the development. The approved Residential Travel Plan shall thereafter be implemented and reviewed in accordance with a timetable to be set out within the approved document.

Reason - In accordance with sustainable planning principles and adopted Dartford Core Strategy Policies CS6 and CS15.

Compliance Conditions

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and

approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - To safeguard human health and the natural environment, in accordance with paragraph 178 of the National Planning Policy Framework and adopted Dartford Development Policies Plan Policy DP5.

31. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 178 of the National Planning Policy Framework and adopted Dartford Development Policies Plan Policy DP5.

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

Reason - In order to ensure the development does not pose an unacceptable risk or harm to the water environment caused by mobilised contaminants or unacceptable harm to amenity caused by noise and vibration, in accordance with paragraph 178 of the National Planning Policy Framework and adopted Dartford Development Policies Plan Policy DP5.

33. All vehicle parking spaces and turning areas as may be approved shall be laid out and surfaced before the particular dwelling to which it relates is first occupied. Thereafter the said parking spaces and turning areas shall only be used for the parking of motor cars or other vehicles relevant to the particular development and for no other purpose and no development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modifications, shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking spaces and turning areas.

Reason - To ensure sufficient off street car parking provision to serve the development, in accordance with adopted Dartford Development Policies Plan Policies DP3 and DP4.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modifications, no external plant, equipment, solar panels or other paraphernalia shall be installed on any dwelling until details of its design and siting have been submitted to and approved, in writing, by the Local Planning Authority pursuant to this condition. The works shall thereafter be carried out in accordance with the approved details.

Reason - In order to avoid the introduction of external paraphernalia compromising the character and appearance of the development, in accordance with adopted Dartford Core Strategy Policy CS17.

35. None of the buildings hereby approved shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modifications, no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason - To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with adopted Dartford Core Strategy Policy CS17.

INFORMATIVES:

1. STATEMENT OF POSITIVE AND CREATIVE APPROACH TO DECISION-TAKING

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative manner and has worked with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

This has involved extensive discussions and negotiations both during the pre-application and planning application stages in a collaborative manner in order to ensure the delivery of a high quality development which will make a major contribution towards the continuing regeneration of the area and the re-development of a major brownfield site within Kent Thames Gateway, delivering new housing in a sustainable location.

The application was considered by the Ebbsfleet Development Corporation's Planning Committee where the applicant/agent had the opportunity to address the committee and promote the application.

2. SUPPORTING DOCUMENTS AND INDICATIVE ILLUSTRATIONS

The original outline planning application submitted under reference EDC/17/0110 was accompanied by the following documents and indicative illustrations:

- Planning Statement (August 2017)
- Design and Access Statement (August 2017)
- Letter from David Lock Associates dated 7th November 2017
- Letter from David Lock Associates dated 1st December 2017
- Letter from David Lock Associates dated 12th January 2018
- Transport Assessment, Peter Brett Associates (June 2017)
- Technical Note – Response to Highways England - Peter Brett Associates (09.11.17)
- Technical Note – Response to Kent County Council - Peter Brett Associates (30.11.17)
- Flood Risk Assessment, Eastwood and Partners (May 2017)
- Noise Impact Assessment, Peter Brett Associates (June 2017)
- Air Quality Assessment, Peter Brett Associates (June 2017)

- Off-Site Surface Water Drainage Routes Report – Eastwood and Partners (October 2017)
- Phase 1 Geotechnical and Geo- Environmental Site Investigation, Eastwood and Partners (July 2017)
- Site Assessment for Heritage and Archaeology, Museum of London Archaeology Service (MOLA), November 2003 (submitted for information only)
- Historic Environment Desk-Based Assessment (Heritage Statement) - Archaeology South-East (November 2017)
- Preliminary Ecological Assessment, Middlemarch Environmental (April 2016, Revised July 2017)
- Preliminary Bat Roost Assessment, Middlemarch Environmental (July 2016)
- Reptile Survey, Middlemarch Environmental (July 2016)
- Reptile Mitigation Strategy, Middlemarch Environmental (February 2017)
- Nocturnal Emergence and Dawn Re-entry Bat Survey (October 2016)
- Habitat Regulations Assessment: Stage 1 Screening Report, Middlemarch Environmental (July 2017)
- Arboricultural Survey and Implications Report, SJA Trees (April 2017)

The application was accompanied by the following for information purposes only:

- LAF037/011 Rev C - Illustrative Masterplan
- LAF037-016- Illustrative Sections X–X & Y-Y
- LAF037-017 - Illustrative Section Z–Z

This minor-material amendment application was accompanied by the following plan for information purposes only:

- Drawing No. 1332-C-204 Rev. F – Proposed Development Framework Comparison Plan

3. GREEN GRID DEFINITION AND OPEN SPACE PROVISION

The Green Grid is a strategic network of multi-purpose, attractive public open spaces consisting of green corridors, rivers, lakes and landscapes linked via a series of urban and countryside footpaths, Public Rights of Way, cycle paths and roads, and designed to connect the main open areas within the urban area.

The land required as a contribution to the Green Grid network does not include private garden areas, balconies, communal open space and other incidental open space.

4. COMMUNITY INFRASTRUCTURE LEVY

If implemented, the development which is the subject of this notice is likely to be liable for a Community Infrastructure Levy (CIL) payment. Persons with an interest in the land are advised to consult the CIL guide on Dartford Borough Council's website (<http://tinyurl.com/DartfordCIL>) for information on the charge and any exemptions or relief, and to submit CIL forms 5: Notice of Chargeable Development and 6: Commencement Notice (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.

5. DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning

Authority as proceeding without the necessary permissions could nullify this permission.

6. BUILDING REGULATIONS AND OTHER CONSENTS

This decision does not imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

7. UTILITIES

It should not be automatically assumed that permission will be given for utility services to be placed within the public highway, and early contact should be made with Kent County Council at roadworkswest@kent.gov.uk. This will enable a proper consideration of available options in order that the optimum solution can be determined.

8. NAMING AND NUMBERING

As a result of the changes to this site once development is carried out, a change would have to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The on-line form is available at the Street Naming and Numbering page of the council's web-site <http://www.dartford.gov.uk/by-category/environment-and-planning2/street-naming-and-numbering>. Please submit the application and the requisite fee in accordance with the guidance on the form.

9. ACCESSIBLE AND ADAPTABLE DWELLINGS

In accordance with adopted Dartford Core Strategy Policy CS18 and adopted Dartford Development Policies Plan DP9 it is expected that this development should contribute to the accommodation requirements of residents with restricted mobility or as they age. Notwithstanding the secured wheelchair units to be constructed to Optional Building Regulations Category M4(3) standard, the development should maximise the provision of Optional Building Regulations Category M4(2) units for accessible and adaptable dwellings within each housing tenure, to be assessed at the Reserved Matters stage.

10. ENVIRONMENT AGENCY – LAND CONTAMINATION

The previous use of the site presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer. The report submitted in support of this planning application provided the Environment Agency with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken, as required by planning conditions attached to this decision notice.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and
- The Environmental regulations page on GOV.UK

Any approved remediation works shall be carried out in accordance with the agreed remediation strategy prior to the commencement of development other than preliminary site works that are required to carry out the agreed remediation. The planning authority and EA must be given two weeks written notification of the commencement of the remediation works.

11. KCC HIGHWAYS AND TRANSPORTATION

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary application pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at [http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway boundary enquiries](http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway%20boundary%20enquiries)

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

12. KCC LEAD LOCAL FLOOD AUTHORITY

KCC recommend that the detailed surface water drainage strategy will need to specifically consider the following:

- (i) Flood Estimation Handbook (FeH): At the detailed design stage, KCC advise they would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not

available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used:

http://www.kent.gov.uk/data/assets/pdf_file/0003/49665/Drainage-and-Planningpolicy-statement.pdf

- (ii) Climate change allowance: As of 19 February 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
The new allowances for peak rainfall intensities have implications for drainage design and should be included within any drainage strategy prepared to accompany a planning application. As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.
- (iii) Minimum flow rates: Given advances in technology and design of flow controls, it is now possible to achieve controlled flow rates of 2 l/s. This should be considered the minimum rate to be set for small sites, unless agreed with KCC.

13. KCC PUBLIC RIGHTS OF WAY

KCC offer the following comments for information:

- No furniture, fence, barrier or other structure may be erected on or across the Public Right of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within one metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC would need six weeks' notice to process this.

14. KENT POLICE

The developer is advised that the detailed reserved matters submission should take account of opportunities for crime prevention through environmental design and are encouraged to consult with the local planning authority and the Kent Police Crime Prevention Design Advisors (CPDAs).

15. KENT COUNTY COUNCIL – BROADBAND

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major

telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk.

16. SOUTHERN WATER

Southern Water advise that their sewer records show the approximate position of a public foul sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3.5 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways or other water conveying or retaining features should be located within 5 metres of a public sewer.

Southern Water advise that there is a decommissioned sewer on site. Further, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

17. SECTION 106 AGREEMENT

For the avoidance of doubt, the s.106 Agreement dated 12th December 2018 entered into pursuant to original outline planning permission (reference EDC/17/0110) shall apply equally to this consent which is issued under s.73 as an amendment to that original consent.

1.0 SITE CONTEXT

- 1.1 The application site comprises a former chalk quarry that occupies a triangular parcel of previously developed land 5.25 hectares in area. Previously a chalk quarry, most recently it was the site of a whiting plant by Omya (producing general purpose white filler for textile products). The Whiting works were decommissioned in 2003 and all associated buildings were demolished, leaving the site largely vacant.
- 1.2 The site lies within the Borough of Dartford and comprises the westernmost tip of the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework. It also lies within the Thames Waterfront Priority Area as identified in the Dartford Local Plan Core Strategy.
- 1.3 The site is located between Swanscombe to the south and east, Swanscombe Peninsula and the River Thames to the north and Greenhithe and Ingress Park to the west. It is bounded immediately to the north by Tiltman Avenue, which provides a secondary access between Ingress Park development and London Road and serves as a Fastrack bus route. It is bounded to the south by London Road (A226) and to the west by Lovers Lane, both of which lie at elevated levels atop a chalk cliff. To the

east of the site is the signal controlled road junction between London Road, Manor Way and Craylands Lane.

- 1.4 The site's topography relative to the surrounding area is a result of its historic use as a quarry, creating steep chalk cliffs which are up to 20 metres high from the site floor along the southern and western boundaries. The application site itself has a varied topography with site levels ranging from 0.4m AOD to over 10m AOD.
- 1.5 A former disused tunnel on the southern boundary of the site which ran under London Road and connected to a site to the Craylands Lane site has been infilled. A separate tunnel, previously used as a tramway and an air raid shelter, remains present in the western boundary.
- 1.6 The site is bisected by a public footpath (DS3) that sits on a chalk spine and provides access between Manor Way and the Lovers Lane public footpath (DS29). To the north-west corner of the site, this footpath splits in two (DS1 and DS30) to connect to Ingress Park and the River Thames path. A Public Path Order in respect of the diversion of part of public footpath DS3 has been confirmed, and a temporary closure put in place whilst earthworks are undertaken.
- 1.7 The site is adjacent to the London Road Air Quality Management Area (AQMA) that was designated due to levels of Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) caused by road traffic. The site is also within an Area of Archaeological Potential around an area of Palaeolithic and other archaeological potential and lies within a 250 metre buffer zone of the Manor Way Swanscombe Minerals Safeguarding Area.
- 1.8 Planning permission for partial excavation and infilling of the site to create a development platform was approved in July 2019 and this work has commenced on site. A temporary marketing suite was installed on site in the summer of 2019.

2.0 PROPOSAL

- 2.1 This application seeks amendments to details approved pursuant to outline planning permission EDC/17/0110 which granted consent for up to 220 dwellings, and which was subsequently amended in February 2020 via a s.96A 'non-material amendment' application to change the description to refer to "up to 221 dwellings". The amendments proposed under this application relate to:
 - (i) relocation of the approved western access junction on Tiltman Avenue by approximately 15 metres to the east to utilise the existing constructed access into the site;
 - (ii) alterations to the approved Development Framework Plan to change the alignment of the boundary between development land and open space.
- 2.2 It is submitted under s.73 of the Town and Country Planning Act and seeks approval of the proposed changes as minor-material amendments to the original outline planning permission reference EDC/17/0110.
- 2.3 The application is accompanied by the following plans, proposed to replace the previously approved versions:
 - Drawing No. MBSK190731-01 Rev.P2 – Site Access Plan
 - Drawing No. 1332-C-230 – Proposed Development Framework Plan

2.4 The following plan is submitted for information only:

- Drawing No. 1332-C-204 – Proposed Development Framework Comparison Plan

3.0 RELEVANT PLANNING HISTORY

EDC/20/0008 - Non-material amendment to outline planning permission reference EDC/17/0110 to allow for an amendment to the description of development to provide a revised total of up to 221 residential dwellings at the site. Approved by EDC on 10th February 2020.

EDC/19/0146 - Application for the discharge of condition 5 attached to planning permission reference no. EDC/17/0110 relating to a programme of geo-archaeological, palaeo-environmental and archaeological work. Approved by EDC on 10th February 2020.

EDC/19/0159 - Application for the approval of Reserved Matters (matters relating to layout, scale, appearance and landscaping) pursuant to outline planning permission reference EDC/17/0110 as varied by EDC/19/0161 for the erection of 221 dwellings together with associated infrastructure including details of a surface water drainage scheme, finished site and floor levels, noise attenuation and mitigation measures, ecological enhancement and heritage interpretation. **Live application under consideration in parallel to this application.**

EDC/19/0044 - Partial excavation and infilling of the site to form a development platform. Approved by EDC on 30th July 2019.

EDC/17/0110 – Outline planning application for residential development of up to 220 dwellings including new vehicular access to Tiltman Avenue, creation of a development platform and associated works. Approved by EDC on 12th December 2018.

4.0 PUBLICITY AND REPRESENTATIONS

4.1 National planning guidance advises that LPA's have discretion and should take a proportionate approach to publicity when dealing with applications for minor material amendments to existing consents. Having regard to the nature of the proposed changes, the following publicity was carried out for this application:

- Letters to surrounding residents and, businesses and landowners.
- Press notice and 6no. site notices advertising the application as:
 - A Major Development Proposal; and
 - Development affecting a Public Right of Way.

4.2 In addition the local ward councillors were notified and the application was included on the EDC's weekly list of planning applications.

4.3 The expiry date for representations was 31st October 2019.

4.4 At the time of writing this report **no written representations** had been received.

5.0 CONSULTATION RESPONSES

- 5.1. As with publicity, LPAs have discretion in whom they consult on applications made under section 73, having regard to the nature of the changes proposed. On this basis, the following bodies and organisations have been consulted:

KCC Highways - The use of the existing accesses is welcomed and they are of a suitable design for the proposed development. The addition of one unit is acceptable from a development planning perspective and, therefore, KCC raise no objection on behalf of the local highway authority.

EDC Officer Comment: KCC's reference to an additional dwelling is no longer relevant as that aspect has been omitted from this application.

KCC Ecology – KCC note that the application is to change the location of the access into the NW of the proposed development site. As the access point is moving further away from the reptile receptor site (located in the NW corner of the site) it'll ensure that the receptor site is not damaged in the future due to works associated with the road or car parking expanding in to the receptor site area. KCC advise they are satisfied that no additional information is required as part of this application.

KCC note that the proposed development framework document indicates that a footpath may go through the receptor site. However the detailed plans submitted as part of application EDC/19/0159 do not include a footpath going through the reptile receptor site area – therefore KCC presume the proposed development framework document is an old plan and the receptor site footpath proposal is no longer valid. KCC highlight that due to the size of the receptor site KCC are not supportive of a footpath going through the receptor site.

EDC Officer Comment: For the avoidance of doubt, the parallel reserved matters application does not propose a footpath through the reptile receptor area.

Swanscombe and Greenhithe Town Council - The Town Council seek assurances that all vehicles coming out of the site during construction should be cleaned thoroughly to ensure the surrounding roads do not suffer and become filthy. The Town Council would also like clarification as to how the Heritage Interpretation is being formed and feel that this should be undertaken in conjunction with the Swanscombe and Greenhithe Local History Group. As with a similar development directly on the other side of London Road the Town Council object to the name "Ebbsfleet" Crossing being used as the development/s are clearly in Swanscombe.

EDC Officer Comment: A construction management plan would require approval prior to development commencing, that would ensure good practice to minimise any disruption or disturbance during construction. Initial groundworks have commenced on site pursuant to a standalone planning permission for creation of a development platform that is subject to a construction management plan and of note is that a wheel-wash facility is installed on site. Heritage interpretation would be covered by planning condition, albeit the developer has committed to local engagement in finalising the design and content of heritage boards and themed play equipment.

- 5.2 No responses were received from the following:

- Dartford Borough Council
- KCC Public Rights of Way
- Dartford and Gravesham Ramblers Association
- Swanscombe and Greenhithe Residents Association

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The development plan comprises the adopted Dartford Core Strategy 2011, the Dartford Development Policies Plan 2017 and the Kent Minerals and Waste Local Plan 2016. The Core Strategy provides the framework for development in the Borough of Dartford by outlining where, and how many, new homes and jobs will be created. The first policies of the plan identify locations for major development at Dartford Town Centre/ Northern Gateway, Ebbsfleet to Stone and the Thames Waterfront. Its objectives are also delivered through the Development Policies Plan which includes more detailed thematic policies.
- 6.3 The policies relevant to the consideration of this application are set out below.

Dartford Core Strategy (CS) (2011)

- Policy CS1 - Spatial Pattern of Development
- Policy CS6 – Thames Waterfront
- Policy CS9 - Skills and Training
- Policy CS10 - Housing Provision
- Policy CS11 - Housing Delivery
- Policy CS14 - Green Space
- Policy CS15 - Managing Transport Demand
- Policy CS17 - Design of Homes
- Policy CS18 - Housing Mix
- Policy CS19 - Affordable Housing
- Policy CS23 - Minimising Carbon Emissions
- Policy CS24 - Flood Risk
- Policy CS25 - Water Management
- Policy CS26 - Delivery and Implementation

Dartford Development Policies Plan (DPP) (2017)

- Policy DP1 - Dartford's Presumption in Favour of Sustainable Development
- Policy DP2 - Good Design in Dartford
- Policy DP3 - Transport Impacts of Development
- Policy DP4 - Transport Access and Design
- Policy DP5 - Environmental and Amenity Protection
- Policy DP6 - Sustainable Residential Locations
- Policy DP8 - Residential Space and Design in New Development
- Policy DP9 - Local Housing Needs
- Policy DP11 - Sustainable Technology and Construction
- Policy DP12 - Historic Environment Strategy
- Policy DP13 - Designated Heritage Assets
- Policy DP25 - Nature Conservation and Enhancement

7.0 OTHER RELEVANT GUIDANCE

National Planning Policy Framework and Guidance

- 7.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Planning Practice Guidance supports and clarifies areas in the NPPF.
- 7.2 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan.

Supplementary Planning Guidance

- 7.3 The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on adopted policies and are material considerations in determining planning applications. The following documents are relevant to the consideration of this application:

- Dartford Borough Council Parking Standards Supplementary Planning Document 2012
- Swanscombe Peninsula West Planning Brief (February 2004)

Ebbsfleet Implementation Framework

- 7.4 EDC has published its Implementation Framework dated 2017 which sets out the area wide spatial framework, vision for Ebbsfleet alongside strategic development areas and associated design guidance.

8.0 PLANNING APPRAISAL

- 8.1 This application is made under s.73 of the Town and Country Planning Act 1990 that allows applications to be made for development without complying with conditions imposed on a previous planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original conditions should continue. Where an application under s.73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and un-amended. The original outline planning permission will continue to exist whatever the outcome of this application.
- 8.2 Although the changes proposed are considered to be material (as opposed to non-material), they are relatively minor in their scope.
- 8.3 The revised access location seeks to make use of an existing access that was formed when Tiltman Avenue was constructed. This would have the effect of relocating the approved western access location by approximately 30 metres. The use of this access is welcomed by the local highway authority as it is considered to comprise a suitable design with adequate driver visibility and sightlines. It is also positively noted by KCC Ecology that the existing access is further away from the proposed reptile receptor site in the north-west corner of the site. The use of this existing access, as opposed to formation of a new one, is therefore considered to be an acceptable amendment to the scheme.
- 8.4 The outline planning application included a Development Framework Plan that essentially established a split between 'development land' and 'public open space land'. This comprised a line on a plan, based to some degree on a high level

daylight/sunlight assessment, to primarily demonstrate that at least 20% of the site would comprise public open space in line with adopted local policy for major sites.

8.5 Following the detailed design process for the residential development on the site, which is more advanced than at the original outline application stage, a change to the precise alignment of development land and open space land is proposed to align with the detailed scheme. Whilst acceptability of the detailed scheme is subject to consideration pursuant to the separate reserved matters application, the principal point to note is that the proposed change does not affect the overall quantum of public open space on the site, which remains at 20%. The proposed change to the Development Framework Plan is therefore considered to be an acceptable amendment.

8.6 The s.106 legal agreement dated 12th December 2018 contains planning obligations required in connection with the development and is expressed to bind development pursuant to planning permission EDC/17/0110 and also to include s73 consents, of which this application would be one and would accordingly be subject to the terms of the existing s106 deed.

9.0 FINANCIAL CONSIDERATIONS

9.1 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.

10.0 HUMAN RIGHTS

10.1 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.

11.0 PUBLIC SECTOR DUTY

11.1 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.

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

12.0 CONCLUSION

- 12.1 The proposed changes are considered to be acceptable. Furthermore, in procedural terms, the s.73 process for varying the original outline consent is appropriate as the changes proposed would not result in development that is fundamentally inconsistent with the one originally approved.