

**REFERENCE NO - 19/501600/OUT**

**APPLICATION PROPOSAL**

Outline application for up to 440 residential dwellings, with associated access, infrastructure, drainage, landscaping and open space (Access being sought with all other matters reserved for future consideration)

**ADDRESS** Land West Of Church Road, Otham, Kent, ME15 8SB

**RECOMMENDATION – APPROVE WITH CONDITIONS**

**SUMMARY OF REASONS FOR RECOMMENDATION**

- The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to a number of criterion.
- The outline application proposes up to 440 houses and for the reasons outlined in the report complies with the criterion under policy H1(8) subject to the legal agreement and conditions.
- The allocation of the site for housing inevitably has an impact upon the setting of listed buildings to the north but this would be minimised and would be less than substantial. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, and a church car park, outweigh this less than substantial harm.
- KCC Highways is raising objections on the basis of an unacceptably severe traffic impact on the highway network and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission.
- KCC Highways is raising issues of capacity and safety relating to the applicant's proposed signalisation of the Willington Street/Deringwood Drive junction and so delegated powers are sought by officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways, or withdrawal of their objection on this matter.
- Highways England is raising no objections subject to a condition that limits 230 house occupations until works to the M20 Junction 7 have been carried out in full. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate and such a condition does not pass the required tests for planning conditions and is unreasonable for the reasons outlined in the report.
- The outline application complies with site policy H1(8) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.

**REASON FOR REFERRAL TO COMMITTEE**

<ul style="list-style-type: none"> <li>• Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below.</li> <li>• The recommendation is contrary to the view of Kent Highways and Highways England (statutory consultees).</li> </ul>			
<b>WARD</b> Downswood And Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT</b> Bellway Homes Limited <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE:</b> 08/11/19	<b>PUBLICITY EXPIRY DATE:</b> 17/10/19	<b>SITE VISIT DATE:</b> 17/04/19 & 10/10/19	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/501029	EIA Screening Opinion for the proposed residential development of up to 440 dwellings and associated access, landscaping and other works on land west of Church Road, Otham.	EIA NOT REQUIRED	17/04/19

## **1.0 DESCRIPTION OF SITE**

- 1.01 The application site has an area of approximately 16.1ha and is to the west of Church Road. The site is to the southeast of Maidstone and is between substantial residential areas to the north, west and southwest, namely cul-de-sacs within the Downswood area to the north, Chapman Avenue to the west and Woolley Road to the south. To the east are open agricultural fields and immediately to the south/southeast are a number of detached residential properties at The Rectory (Grade II listed) and Squerryes Oast. St Nicholas's Church (Grade I listed) and Church House (Grade II listed) are to the north of the site.
- 1.02 The site is in the main, an open arable field but includes an area of land at its north end that wraps around the north side of the church which has numerous trees, scrub vegetation and grass, and over which public footpath KM86 runs. The boundaries of the site are formed by established hedging on the Church Road frontage, hedging to the boundary with 'Squerryes Oast', and trees on the south, west and north boundaries. There is an area of Ancient Woodland (AW) to the southeast of the site.
- 1.03 The site is highest at its south end with a gradual fall to the north. To the west where the site backs onto gardens of properties within Chapman Avenue, there is a considerable level difference between the site and Chapman Avenue.
- 1.04 Importantly, the site is allocated for housing development in the Local Plan and policy H1(8) allows for up to 440 houses and sets out a number of criterion to be met.

## **2.0 PROPOSAL**

2.01 This application seeks outline permission for up to 440 houses and approval of two proposed vehicular access points onto Church Road and other pedestrian and/or cycle links to residential areas to the north, west and south. All other matters such as the location and layout of the roads, houses and open space areas, the design and heights of the houses, and landscaping would be determined under a future reserved matters application(s).

2.02 As such, the local planning authority is being asked to consider whether the principle of 440 houses with two access points is acceptable at this stage.

2.03 The applicant has provided numerous assessments to support the proposals and in order to demonstrate how the site can suitably accommodate 440 houses in line with policy H1(8).

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP18, SP19, SP20, SP23, H1, OS1(16), ID1, H1(8), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **4.0 LOCAL REPRESENTATIONS**

*(The latest notification on additional/amended details expires on 17<sup>th</sup> October. Any responses received will be reported under an Urgent Update Report)*

4.01 **Otham Parish Council:** Raises objections for the following (summarised) reasons:

- Increased traffic and congestion.
- Highway safety for vehicles and pedestrians.
- Lack of transport modelling of local junctions in Downswood.
- Considerable loss of hedging to the front of the site contrary to policy.
- Harm and profound change to the landscape.
- Loss of views across the countryside.
- Harm to ecology.
- Harm to the setting of listed buildings.
- Archaeological survey should be carried out.

4.02 **Downswood Parish Council:** Raises objections for the following (summarised) reasons:

- Traffic generation, traffic flows and congestion.
- Lack of transport modelling of local junctions in Downswood.

- Question some of the assumptions and modelling within the Transport Assessment.
- Traffic assessment not sufficient and carried out when road closed.
- Site policy doesn't provide highways mitigation to the north of the site.
- Strategic highways measures in site policy have not been delivered.
- Lack of sufficient details of development to properly assess.
- Not enough room to widen Church Road without losing hedges.
- Lack of pedestrian/cycle links.
- Snow and ice will leave the site stranded.
- Lack of access for emergency vehicles.
- Inadequate access for large vehicles.
- Buses are unlikely to be able to access the site.
- Lack of decent access to bus services which are poor.
- The site does not benefit from good public transport access.
- Highway safety for vehicles and pedestrians.
- Groundwater plans inconsistent, assessment inadequate, and likelihood of sink holes not properly assessed.
- Land stability and underground conditions have not been suitably assessed.
- Loss of privacy and overlooking.
- Noise, disturbance, and light pollution.
- Inconsistent with character and appearance of local area.
- Harm to listed buildings.
- Loss of community views.
- Harm to ecology.
- Archaeology work not sufficient.
- An Environmental Impact Assessment is required.

4.03 **Bearsted Parish Council (neighbouring)**: Raises objections for the following (summarised) reasons:

- Traffic assessment not sufficient.
- No assessment of junctions to the north of the site.
- Question some of the assumptions and modelling within the Transport Assessment.
- Some of the traffic counts were carried out when road was closed or half term.
- Traffic impact will be severe.
- Public transport will not mitigate traffic.
- There is no Sunday no. 4 bus service.
- No local doctors or primary school.

4.04 **Local Residents**: 399 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.
- Rat running occurs on local roads.
- Church Road is not safe or suitable for additional traffic.
- Traffic calming measures will make traffic worse.
- Junction mitigation has not been carried out.

- Question accuracy of Transport Assessment.
- Flood risk.
- Site isolated in floods and snow.
- Inadequate foul drainage.
- Question surface water report.
- Poor connections.
- Poor public transport.
- Car-reliant.
- Parking.
- Land stability issues on the site and in Chapman Avenue.
- Potential damage to neighbouring properties.
- Geology brings into question surface water proposals.
- Visual impact.
- Density.
- Harm to wildlife/ecology.
- Ancient woodland.
- Loss of majority of hedge.
- Loss of trees.
- Harm to the setting of the Grade I listed Church.
- Archaeology assessment is flawed.
- Ancient burial site.
- Lack of infrastructure and amenities including schools and surgeries.
- Traffic noise.
- Noise from new residents.
- Overlooking/loss of privacy.
- Overshadowing/loss of light.
- Overbearing.
- Air quality.
- Crime.
- Loss of agricultural land.
- Other more suitable sites.
- Noise and dust during construction.
- Lack of EIA.
- Fields provide peaceful lifestyle.
- Will affect house prices.
- Questioned land ownership.
- Lack of public consultation by applicant.
- Additional documents should have been uploaded to the website earlier/when they were received.
- Support the development.
- Other people should be able to enjoy the area.

4.05 **Borough Councillor Newton** requests the application is considered by the Planning Committee and raises the following (summarised) points:

- The site should never have been included in the Local Plan.
- An EIA is required for the application.
- Harm to listed buildings.
- Concern over the impact on the setting of listed buildings particularly the Grade 1 Church which was constructed prior to the Domesday Book.

- As a result of the heavy traffic on Church Road, part of the Ancient Churchyard wall has now collapsed revealing the type of construction used for the wall.
- It is my concern for the ancient buildings which is why I require this application called in to Planning Committee for determination.
- Piling may cause harm to listed buildings.
- Traffic impact unacceptable and infrastructure must be in place before development which it is not.
- Loss of hedgerows and non-compliance with policy DM3.
- Should only be one access.
- Wider junction improvements are not in place.
- Archaeology.

4.06 **Borough Councillor McKay:** Raises the following (summarised) points:

- Highway safety on Church Road.
- Does not meet access requirements.
- Lack of direct access to public transport.
- Those without a car would be isolated.
- Could lead to a judicial review if permission was granted as the strategic highway improvements within the policy and have not been agreed or provided.

## **5.0 CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

5.01 **Highways England: No objections** subject to a condition limiting occupation to 230 dwellings until improvements to the M20 Junction 7 have been completed.

5.02 **Historic England: No objections** provided that the heritage benefit of a dedicated church car park is secured.

5.03 **Natural England: No objections.**

5.04 **KCC Highways: Raise objections** on the basis of an unacceptably severe traffic impact on the highway network and the worsening safety hazards to road users on Church Road.

5.05 **KCC Economic Development:** Seek £3324.00 per applicable house and £831.00 per applicable flat towards the extension of 'Greenfields Community Primary School' to mitigate the impact of the development.

5.06 **KCC SUDs: No objections** subject to conditions.

5.07 **KCC Archaeology: No objections** subject to condition.

- 5.08 **KCC PROW**: Concerns regarding delivery of a cycle route across PROW so suggest a holding objection. Conditions recommended relating to surfacing and agreement on the extent of widening of KM86 due to increased use.
- 5.09 **KCC Ecology: No objections** subject to conditions.
- 5.10 **MBC Conservation Officer**: Satisfied that the outline application scheme seeks to limit the harm on the setting of the listed buildings, in particular the Church, the Church House and the Rectory, and the setting of the Otham Conservation Area would be minimally impacted.
- 5.11 **MBC Environmental Health: No objections** subject to conditions relating to charging points; lighting; and contaminated land.
- 5.12 **MBC Landscape Officer: No objections** subject to conditions.
- 5.13 **Southern Water**: Confirm there is sufficient capacity.
- 5.14 **Forestry Commission**: Refers to standing advice on Ancient Woodland.
- 5.15 **Kent Police**: Recommended conditions

## **6.0 APPRAISAL**

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 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."***
- 6.02 The Local Plan allocates the site for 440 houses under policy H1(8) subject to a number of criterion covering matters relating to design and layout, access, air quality, open space, infrastructure, highways and transportation.
- 6.03 This is an outline application for up to 440 houses with all matters reserved apart from access so under consideration are the principle of up to 440 houses and the points of access only. Clearly, the principle of housing is accepted under Local Plan policy H1(8) so it needs to be assessed as to whether the outline proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.
- 6.04 Whilst the specific details of the development are not being considered at this stage, the applicant has provided a 'Parameter Plan' and 'Illustrative Masterplan' in order to demonstrate how the development could be suitably accommodated on the site and comply with policy H1(8). Whilst the detailed design of the development is not being considered, the applicant does wish to set some parameters through the 'Parameter Plan' which will be discussed in the relevant sections below.

6.05 The key issues for the application are centred round site allocation policy H1(8) as follows:

- Access and connectivity.
- Compliance with the design, layout, and open space criterion.
- Heritage impacts.
- Highways impacts.
- Infrastructure.
- Other matters including air quality, drainage, ecology, and amenity.

Access and Connectivity

6.06 Policy H1(8) states:

- 8. Access will be taken from Church Road only**
- 5. The hedge line along the eastern boundary of the site with Church Road shall be retained and strengthened where not required for access to the site.**

6.07 The application only proposed access from Church Road via two vehicular access points which is in accordance with policy H1(8). These would be close to the north and south ends of the site on the Church Road frontage. The access points have been assessed by Kent Highways and Kent Fire and Rescue and judged to be suitable and safe.

6.08 The proposed accesses and required visibility splays inevitably mean that some of the existing hedging fronting Church Road will need to be removed (approximately 125m). However, it would be possible to provide new double staggered native hedging behind the visibility splays and strengthen the existing hedging in general, this being a positive landscape feature of the site. Whilst landscaping is not being considered at this stage a condition can be attached to guide the landscaping details to ensure sufficient replacement hedging/hedge strengthening. This will ensure compliance with criterion 5 of the site policy.

6.09 In terms of connectivity, it is proposed to provide a new pavement from the northern access along the front of the Church within highways land to link with the existing pavement further north. As this pavement would be narrower than the 2m normally sought due to the width of Church Road (being between 1.2m to 2m and on average around 1.6m), a pedestrian/cycle route is proposed around the north side of the Church and into the site to provide an alternative attractive route which can be conditioned.

6.10 To the south, it is proposed to provide a pedestrian/cycle link via the Council owned public open space to link up with Woolley Road. This would provide an appropriate link to shops, 'Senacre Primary School', and bus stops to the south. The applicant would provide a pathway on the application site and has confirmed they would continue and construct this



on the Council owned land. The property team have confirmed that they have no objections to this. Again the detail would be provided at the reserved matters stage but a condition will be imposed to secure the link and a pathway on Council owned land. Whilst outside the applicant's control this condition is reasonable as this is land in public ownership, and the Council has indicated it has no objections to this being provided.

6.11 Public right of way KM86 runs across the north of the site and it is indicated on the Parameter Plan that open space would be provided along the route. This is welcomed by KCC PROW and they advise that the path should be surfaced due to the additional use which can be secured by condition. The Parameter Plan indicates that a connection with the pedestrian link to 'The Beams', which provides access towards Willington Street and 'Greenfields Primary School' would be provided in the northwest corner. KCC PROW and Highways refer to the existing paths here being steps and so this raises issues over access for all users. This is not the only connection to the west as the connection to the south provides access in this direction so it is not necessary for changes to these steps to be made. They also refer to the applicant's intention to widen the path to allow cycle use and that this would require a legal change to a 'cycle track' to bridleway. In response to this, the applicant has stated that any specific widening would be proposed at the reserved matters stage but details of this can be secured by condition.

6.12 So overall, the vehicular access points comply with policy H1(8), are safe, and the scheme provides good pedestrian and cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of the Local Plan.

#### Design, Layout, and Open Space Criterion

6.13 Policy H1(8) requires:

- 1. The tree line along the western boundary of the site will be enhanced, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 2. An undeveloped section of land will be retained along the western boundary of the site, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**
- 7. Retain discrete section of land at the south east corner of the site to provide a 15 metres wide landscape buffer to ancient woodland**

***(bordering site at this location), to be planted as per the recommendations of a landscape survey.***

***10. Provision of approximately 2.88ha of natural/semi-natural open space consisting of 1.4ha in accordance with policy OS1(16), and 1.48ha within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.***

6.14 As stated above, this is an outline application but an illustrative masterplan has been provided which shows development parcels, roads, and areas of open space in order to show that 440 houses can be accommodated. This shows that development can be set away from the tree line along the western boundary to provide an undeveloped area in accordance with criterion 1 and 2. It also shows an undeveloped area of land along the east edge of the site to maintain clear views of St Nicholas Church from Church Road in line with criterion 3. Further open space is also shown to the south and southwest of the Church to limit the impact upon the setting of the Church. Land to the north of the Church is shown as open space in line with criterion 6. In the southeast corner in excess of a 15m buffer to the ancient woodland is shown in line with criterion 7. These undeveloped areas/buffers are identified on the Parameter Plan and so can be secured by condition.

6.15 In terms of open space, criterion 10 requires a total of 2.88ha to be provided for the development. In line with policy OS1(16), and as shown on the Local Plan map, part of the 2.88ha is land to the northwest of the Church and land in the southeast corner of the site (providing 1.4ha). The Parameter Plan indicates open space by the Church, in the southeast corner, and also within the development areas. The site is of a sufficient size to provide the total amount both on the edges and within the development areas, and the 2.88ha can be secured by condition. This amount of open space is considered appropriate for this size of development and can provide a mix of types including natural/semi-natural, more formal space, and play areas. Any need for off-site mitigation of existing open space would need to be sought via the Community Infrastructure Level (CIL).

6.16 For the above reasons it is considered that the application complies with design, layout, and open space requirements of policy H1(8) and these can be secured through the Parameter Plan being conditioned.

#### Heritage Impacts

6.17 Policy H1(8) requires:

- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.***
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.***

**6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**

- 6.18 As outlined above, the Parameter Plan ensure compliance with the above criterion which relate to St Nicholas Church so the proposals comply with policy H1(8).
- 6.19 There are a number of heritage assets near to the site. Notably, St Nicholas's Church (Grade I listed) and two Grade II listed monuments within the grave yard, and 'Church House' (Grade II listed) immediately to the north of the site. There is also 'The Rectory' (Grade II listed) to the south. Further afield, the Otham Conservation Area is 770m to the southeast.
- 6.20 The NPPF outlines at paragraphs 193 and 194, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.21 The site in particular has an impact upon the setting of the Grade I listed Church, as it forms part of its historic rural open setting to the south. This setting and the visibility it affords of the Church in its historical context, forms part of its significance and development of the site would affect this. Churches were obviously built of a certain scale so they were visible from some distance. In addition, the access points would result in a change to the character of Church Road near to the Church. There would be an impact upon the setting of Church House (GII) but this would to a lesser extent as this building is less prominent from the application site and wider area, so the openness of the application site does not contribute greatly to its significance.
- 6.22 The allocation of 440 houses at the site inevitably results in some harm to the setting of the two listed buildings to the north. Such impacts upon the setting of these listed buildings were clearly accepted when the Local Plan Inspector agreed that the allocation was acceptable for 440 houses, subject to criterion 3, 4, and 6, which all seek to protect the setting of St Nicholas Church, and in turn Church House.
- 6.23 It is therefore a case of minimising the impact upon the heritage assets and securing sensitive design in line with Paragraph 190 of the NPPF and policy SP18 of the Local Plan. To this end, discussions have been held with Historic England and amendments have been made to the Parameter Plan which indicates a larger non-development buffer to the south of 'Church House' and to the south and southwest of the Church. As stated above,

views of the Church from Church Road would be maintained, which is one of the key public views of the Church. In addition, a car park for the Church is proposed as a heritage benefit as the Church does not currently benefit from a dedicated car park. Instead cars park along Church Rd. Historic England have advised that these changes reduce the overall level of harm to significance and that a dedicated church car park is a more defined heritage benefit and on this basis, they concluded the harm has been minimised in line with Paragraph 190 of the NPPF and it is for the Council to decide whether the harm has clear and convincing justification and balance any harm against the public benefits. Historic England has no objection to the application on heritage grounds provided that the heritage benefit of a dedicated church car park is secured via a legal agreement or by condition.

- 6.24 I agree that the changes to the Parameter Plan serve to minimise the impact upon the listed buildings to the north and ensure compliance with policy H1(8). I agree with the applicant's conclusion that the harm to the listed buildings is 'less than substantial' because the amended Parameter Plan provides undeveloped areas to the north, west, and south of the listed buildings and maintains clear views of the Church from Church Road. The provision of a church car park will in itself have some harmful impacts upon the setting of listed buildings but it would be below level development and could be screened/softened. It would provide benefits to the Church in that it would assist in its ongoing use, and something which Historic England attaches weight.
- 6.25 The site allocation and therefore outline proposals, I would say inevitably, do not conserve the setting of the listed buildings and so there is some conflict with criterion 1 of policy DM4 of the Local Plan. However, the explanatory text to policy DM4 refers to carrying out a weighting exercise in line with the NPPF.
- 6.26 Whilst having special regard to the preservation of the setting of the Church and Church House, overall, it is considered that the public benefits of providing up to 440 houses including affordable housing to meet housing needs on an allocated housing site, and the associated social and economic benefits, in addition to the provision of a church car park, provide for clear and convincing justification for some harm to the heritage assets, and these benefits outweigh this less than substantial harm to St Nicholas Church and Church House in line with Paragraph 196 of the NPPF. The Parameter Plan would also ensure that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing.
- 6.27 'The Rectory' (GII listed) to the south is some 50m from the edge of the site with a two storey building and vegetation between. There would also be a buffer to the front of the site that would limit development near to this building. For these reasons the development of the site would not cause harm to the setting of this listed building. There would be no harm to the listed monuments within the church yard as the site is generally screened from these and it is considered that their setting is confined to the church yard. I concur with the Council's Conservation Officer that due to the distance from the edge of the Otham Conservation Area (770m), the

development would have a minimal impact upon its setting, and I consider no harm would be caused.

- 6.28 In relation to archaeology, KCC Heritage advises that on the back of geophysical surveys carried out by applicant, there are no indications of significant archaeology surviving on the site. However, they suggest the area around the church may contain important archaeology (which may be revealed following intrusive field evaluation works) and recommend a condition to this end, which is considered appropriate.

### Highways Impacts

#### *Wider Network/Strategic Junctions*

- 6.29 The Local Plan examination process which led to the adoption of the Local Plan in October 2017 involved the Local Plan Inspector considering, in great detail, the highways impacts and mitigation for the southeast Local Plan sites (which includes the application site), including objections/representations from statutory consultees and third parties. This involved carefully considering proposed junction improvements and bus service improvements (monies towards some of which had already been secured under planning permissions). The Local Plan Inspector in his Final Report concluded,

*"169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.*

*170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."*

- 6.30 The adopted Local Plan therefore includes strategic highways improvements for the southeast Maidstone sites, and relevant to this application, they are outlined under the site allocation policy (criterion 13-17).
- 6.31 The application site and its potential development of 440 houses was included within the cumulative transport assessments carried out under the planning applications for the strategic southeast housing sites H1(7) - Land North of Bicknor Wood, and H1(10) - Land South of Sutton Road, within the Local Plan. These sites were granted planning permission in early 2018. The

transport assessment cumulatively assessed all the southeast housing allocations and also included other commitment development (planning permissions at the time).

- 6.32 Under those applications, the Council accepted that the cumulative impact of development from all the southeast housing allocations could be suitably mitigated with improvements to the capacity of various junctions and improvements to bus services. Being prior to the introduction of CIL, financial contributions were secured under section 106 agreements towards various off-site highways works/improvements which are outlined in the Council's Infrastructure Delivery Plan (IDP), where the total infrastructure costs and funding streams are stated.
- 6.33 Decisions to approve permission at Planning Committee on sites H1(7) and H1(10) with financial contributions towards infrastructure were made prior to the adoption of the Local Plan in September 2017. The Local Plan Inspectors Final Report and adoption of the Local Plan confirmed that the Council's approach to mitigating the transport impact of the southeast development sites is sound.
- 6.34 For the current application, the applicant has provided a Transport Assessment and carried out up to date traffic surveys on local roads and assessments of appropriate local junctions. Whilst the Parish and residents have questioned the accuracy of the traffic surveys, Kent Highways have raised no issues with them. For wider/strategic junctions the applicant's evidence provides the likely additional impact of the development but relies upon the recent cumulative assessment of transport impacts carried for sites H1(7) and H1(10) and the mitigation (which included the application site). These assessments concluded that the cumulative traffic impact upon the local network (including the application site) would not be severe subject improvements to relevant junctions and public transport. The Council has accepted this conclusion and so this is considered to be an appropriate approach and there are no reasonable grounds to now disagree or depart from this approach that has been accepted recently by the Council.
- 6.35 The site allocation policy as criterion (13-17) relating to strategic highways and transportation improvements as follows:
- 13. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.**
  - 14. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.**
  - 15. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.**
  - 16. Improvements to capacity at the A229/A274 Wheatsheaf junction.**
  - 17. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.**

6.36 The above improvements are based on the cumulative impact of development in southeast Maidstone and so compliance with the above criterion would be via monies towards the improvements. A change in circumstances since the previous decisions is the introduction of the Council's Community Infrastructure Levy (CIL), such that any monies towards strategic highways works required from cumulative transport impacts would be via CIL rather than financial contributions under a section 106 agreement. The applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant highways improvements. This ensures compliance with the strategic highways requirements under the site policy.

6.37 Although none of the above improvements have commenced and clearly a number of the southeast sites are completed and occupied/part-occupied or under construction, the delivery of highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works. Therefore the LPA cannot withhold planning permission because highways works have not been delivered.

6.38 KCC Highways has been consulted on the application and has raised strong objections as it considers the proposals do not conclusively demonstrate that the impact of the development can be fully mitigated and that the strategic junction improvements are not expected to provide sufficient capacity. They consider the residual traffic impact on the network is considered to be severe. They state,

*"KCC Highways has previously raised concerns over the suitability and effectiveness of the piecemeal mitigation measures proposed in the cumulative transport impact assessment (CTIA) in relation to other planning applications for large-scale housing growth in south east Maidstone. These equally apply to this planning application.*

*By relying on the principle that financial contributions can be made towards the package of junction modifications on the A274, A229 and A20 corridors identified in the CTIA, the TA has not demonstrated that mitigation of impact can be achieved. KCC Highways expectation is that queuing and delay will be worsened by the additional development in the continued absence of effective mitigation. This, in turn, will result in more road users seeking to use alternative routes through the nearby communities of Otham, Downswood, Leeds and Langley. The level of impact is therefore unacceptably severe and KCC Highways strongly object to the development proposals on this basis."*

6.39 Essentially, the Highways Authority does not consider that the junction and public transport improvements outlined in the Local Plan, and to which monies have been secured, are sufficient to mitigate the impact of the development. This is the same position that was taken under the previous planning applications and at the Local Plan Inquiry by the Highways Authority. So this argument has been tested through planning applications and importantly through an Examination in Public. As outlined above, the

mitigation measures are considered sound and are within the adopted Local Plan. On this basis, it is considered that the Highway Authorities objection is not reasonable grounds to refuse planning permission and could not be defended at appeal.

*Public Transport*

- 6.40 The applicant has confirmed that the scheme will be designed to accommodate buses through appropriate road widths and swept paths should the local bus provider wish to divert into the site. 'Arriva' have confirmed that they do not require any monies to subsidise a diversion once the development is nearing full occupation, and I note existing bus stops are within walking distance on Deringwood Drive and Woolley Road so diversion of the service is not essential. Therefore, it is not necessary to secure any funding for this service, and I consider the development could be designed to accommodate buses, with the decision to divert a commercial decision for the bus operator. As outlined above, the site has/provides good connectivity to local bus stops.
- 6.41 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel and its aims are proportionate for this site and its location. This can be secured by condition and a monitoring fee of £5,000 will be secured under a section 106 agreement.

*Church Road to the South of Site*

- 6.42 KCC Highways have raised an objection based on worsening safety hazards to road users on Church Road to the south of the site. This is based on the road width and also lack of forward visibility in places. They state that a width of 4.8m is sufficient for two cars to pass but not two larger vehicles. The width is below 4.8m for much of its length (between 4.1m and 4.5m) and at 3.9m for a very short section. KCC consider a 5.5m width to be essential referring to the Kent Design Guide. The request for a 5.5m width is based on guidance for major access roads within new developments so in circumstances where you are proposing a new road. This is not to say it is not relevant at all to existing roads but clearly existing roads have potential constraints and it is the local context and conditions that must be taken into account.
- 6.43 The applicant states that Church Road is already a two way road with a low incidence of accidents which is shown in the collected data. KCC acknowledge the road is already well-used and has a relatively good crash record but outline that there will be additional traffic movements from the development. Having driven this road both ways a number of times including in the AM peak, I noted that in a limited number of places cars had to stop to let other cars pass but it was generally a case of slowing down to pass. When larger vehicles are involved, stopping would probably need to be carried out as some representations on the application suggest. The applicant's traffic flows suggest that between 81 and 84 movements would exit and enter the site from Church Road to the south in the AM and PM peaks. This would be on average just over one additional movement a minute over the peak hour. This is not considered to represent a significant



increase in movements on Church Road and on this basis it is not considered that the development would have an unacceptable or severe impact on highway safety beyond the current situation, or that warrants objection on the basis of road width or visibility in accordance with policy DM21. I also note that policy H1(8) under criterion 12 only requires road widening outside site H1(6) further south on Church Road (which will be carried out in connection with permission on that site).

- 6.44 It is also important to note that the applicant has investigated widening along Church Road where they do own some land on either side. To carry out widening would result in the removal of trees and hedging on both sides of the road of which a large section (325m) is Ancient Woodland. There is also a large section of third party land (460m) on the east side. So notwithstanding the conclusion above, the environmental impact this would have through loss of Ancient Woodland and visual harm to the character of Church Road is considered to outweigh any benefits of road widening.
- 6.45 The applicant is proposing some measures to improve Church Road including extending the 30mph speed limit by approximately 500m south of its current location by the Church, and also by introducing build-outs with a give way feature on a bend just to the south of the site where there is limited visibility. A safety audit submitted by the applicant, and KCC Highways has confirmed that this is acceptable and KCC state that this measure supports the extension of the 30mph speed limit. These works, which aid in highway safety where visibility is more limited, can be secured by condition. KCC Highways have sought clarification on swept paths which the applicant is responding to, and an update will be reported to Planning Committee via an urgent update report.

#### *Local Junctions*

- 6.46 The applicant has assessed the impact upon the junction of Church Road/Deringwood Drive, Deringwood Drive/Willington Street, and Spot Lane/A20.
- 6.47 Improvements to Church Rd/Deringwood Drive are proposed essentially widening both roads near the junction and replacing some of the parking bays, which has been deemed sufficient to accommodate the development traffic by KCC. This would result in the loss of some grassed verge and most likely 2/3 trees but this would not be unduly harmful to the local area and is necessary to accommodate the allocated site.
- 6.48 For the Deringwood Drive/Willington Street junction, the applicant's evidence suggests this junction will be beyond its design capacity imminently when taking into account general traffic growth and traffic from developments within the Local Plan/with planning permission. The issue is the difficulty in traffic leaving Deringwood Drive and so the queuing on this arm, rather than along Willington Street. It is of note that no issues for this junction have been identified, or any mitigation required by KCC Highways for any other developments to date, despite them impacting on this junction.

- 6.49 The applicant is proposing signalisation of the junction that would better manage traffic, provide safer opportunities for Deringwood Drive and development traffic to exit, and improve pedestrian crossing facilities. Whilst this would not bring the Deringwood Drive arm within design capacity but it must be noted that the junction in its current form will reach its capacity soon with the level of development already approved (without this development). On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that brings other benefits. However, KCC Highways have assessed the proposals and consider that this would introduce a new delay on Willington Street so any mitigation for Deringwood Drive would effectively be counteracted by the introduction of queuing and delays on Willington Street. They also consider there are outstanding safety issues to resolve with the design. On this basis they consider that there are both capacity and safety issues outstanding.
- 6.50 It is therefore recommended that delegated powers are given to officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways. If this cannot be agreed or KCC do not remove their objection specifically to the impacts at this junction, the application will be reported back to Planning Committee with a recommendation on this matter.
- 6.51 For the Spot Lane/A20 junction, the Spot Lane arm would be just over design capacity with general traffic growth, traffic from developments within the Local Plan/with planning permission, and the application traffic. This would mean an increase in queuing on Spot Lane but it is considered that the impact is not severe or dangerous, and does not warrant mitigation or objection in line with policy DM21.

*M20 Junction 7*

- 6.52 As background, under the recent applications at sites H1(7) and H1(10), financial contributions to cover the total costs of upgrade works to Junction 7 of the M20 (including scheme design and contract costs) were decided to be apportioned between those two sites and the application site H1(8) (3 sites in total). This totalled £4.66m and the applicant (Bellway Homes), along with completing a legal agreement for financial contributions for site H1(7), also completed a legal agreement for monies in connection with H1(8). Therefore a proportionate financial contribution towards Junction 7 has already been secured for this site by the applicant. These legal agreements and the triggers for payment were agreed with KCC (who would provide the works) and on this basis Highways England previously raised no objections.
- 6.53 Highways England now does not raise any objections to the application but this is subject to a condition that there is no occupation beyond 230 dwellings until improvements to the M20 Junction 7 have been completed. This is primarily based on mitigation for development within the wider Local Plan, rather than this specific development.

- 6.54 Such a condition is not considered to be reasonable and therefore does not pass the NPPF tests for conditions, on the basis that the applicant has no control as to when the funding for these works will be provided and/or the works are carried out (which is the responsibility of the Highways Authority), particularly bearing in mind they are being funded by three separate developments, one of which hasn't commenced (site H1(10)). In addition, 230 occupations of this specific development do not necessitate the entire upgrade works being carried out to Junction 7, and this precise trigger has not been justified. Highways England instead states that it needs to retain an element of control over the development pipeline (of the Local Plan) in the interests of highway safety and operational effectiveness, which is not specific to this planning application. Indeed, predicated traffic for 220 occupations (50% of the development) are 20 additional movements in the AM and PM peaks, a level which does not justify upgrading of the whole junction. Such restrictions on occupation were also not required and placed upon the other planning permissions so this would not be a consistent approach by the LPA. The other permissions simply required payment at set trigger points.
- 6.55 For these reasons it is considered that the requested condition does not pass the NPPF tests for conditions and should not be attached. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate. In the absence of this condition, Highways England object to the application and so any decision to approve the application will need to be referred to the Secretary of State in line with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018.

#### Off-Site Infrastructure

- 6.56 Policy H1(8) states:

***11. Contributions will be provided towards the expansion of an existing primary school within south east Maidstone to mitigate the impact of the development on primary school infrastructure.***

- 6.57 The adopted CIL is charged on new floor space to help deliver infrastructure to support development. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery, or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development which is in accordance with policy DM20.
- 6.58 An exception is made under the Council's Regulation 123 CIL list (list of infrastructure types and/or projects which the Council intends will be, or may be, wholly or partly funded through the CIL), for education. The Reg. 123 List specifically allows for section 106 monies to be collected towards "expansion of an existing school within southeast Maidstone to accommodate site H1(8)" as identified in the Infrastructure Delivery Plan. This is identified as the 'Greenfields Community Primary School' and KCC have requested £3,324.00 per applicable house and £831.00 per applicable

flat towards the expansion of school to mitigate the impact of the development. This contribution would go towards planned expansion of the school to provide 4 additional classrooms and has been justified by KCC, and as it is specifically identified under the Reg.123 list, it is considered necessary, directly related to the development, and reasonable and in this specific case appropriate to be collected via a section 106 agreement which is being progressed and nearing completion. This is in accordance with criterion 12 of policy H1(8).

#### Other Matters

##### *Affordable Housing*

6.59 Affordable Housing is proposed at 30% with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP21 as is the tenure split and this will be secured under the legal agreement. A monitoring fee for the s106 will also be secured.

##### *Air Quality*

6.60 Policy H1(8) requires:

**9. *Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.***

6.61 An air quality assessment has been submitted which concludes that small increases in NO<sub>2</sub> concentrations are expected as a result of the proposed development and overall, these increases are expected to have a negligible impact on air quality and not cause any exceedances of the relevant Air Quality Standards. The site is located outside any Air Quality Management Areas and it concludes that new residents would not be subjected to poor air quality. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a suggested mitigation value for proportionate mitigations to be integrated into the development. A number of potential mitigation measures are outlined and the specific measures can be secured by condition which can include measures such as EV charging points for houses with off-street parking as this is a requirement under policy DM23 of the Local Plan.

##### *Drainage*

6.62 The Environment Agency's flood risk from surface water map shows a narrow overland flow path running from north to south through the centre of the site. The applicant has assessed this and confirms that some surface water flooding could occur along this natural flow path in extreme rainfall events. The report goes on to state that this flow path could be realigned to fit in with the layout of housing so it runs through areas of open space and is not affected by the development or displaced off-site. This is a detailed

matter that would be dealt with at reserved matters stage but it shows that this is not a constraint to development of the site in principle.

6.63 For surface water from the development, it is proposed at this stage that there would be a series of swales that would drain to deep bore soakaways at a level to avoid any potential issues with flooding of fissures/gulls. Again this would be dealt with at the detailed stage but KCC LLFA have confirmed that this could be feasible but it will be necessary to develop a detailed drainage scheme to confirm the scheme can be satisfactorily accommodated within the final development layout and recommend conditions to secure this.

6.64 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage ensures compliance with criterion 15 of policy H1(8).

#### *Ecology*

6.65 The site is mainly an arable field with grassland and scrub around its margins and hedging along the Church Road frontage and edges. Features of ecological importance within the site include hedgerows and an area of semi-improved grassland in the north-east corner, which are all on the outside edges of the site. In terms of protected species, a low population of breeding slow worms has been recorded and there is suitable habitat for foraging and roosting bats, badgers, hedgehogs and breeding birds which is around the edges of the site. Apart from where required for access, the hedges can remain and the Parameter Plan shows that the habitats on the outskirts of the site would largely not be developed and this plan will be conditioned. Various mitigation measures are proposed to protect habitat and species and create/enhance habitat, which can be secured by condition. KCC Ecology are satisfied that that appropriate mitigation has been recommended to minimise or avoid impacts on these habitats and species and recommend conditions to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

6.66 There is an area of ancient woodland that adjoins the site at its south end. It is proposed that a 15m buffer to this woodland would be provided which can also be secured by condition.

6.67 Enhancements are proposed in the form of new native planting, wildflower grassland, permeability for hedgehogs, bat and bird boxes, and habitat piles. This is considered a proportionate response based on the low ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPG.

#### *Residential Amenity*

6.68 The layout of housing is not being determined at this stage but clearly there is room to ensure that houses are sited a suitable distance from neighbouring properties to ensure there is no unacceptable impact upon privacy, light, or outlook. The Parameter Plan shows building free/buffers

around the edges of the site to comply with the site policy, which are shown in the region of 10m which would also ensure amenity is protected. Any noise and disturbance from the normal occupation of a housing development is not objectionable.

#### *Environmental Impact Assessment*

6.69 The applicant submitted a separate Screening Opinion for the development just before the application was submitted to ask whether the LPA considered an EIA was required. It was concluded that the development would not be likely to have significant effects upon the environment sufficient to warrant an EIA. A request to the Secretary of State (SoS) was also made by a third party to seek his opinion, and the SoS also concluded the development was not 'EIA development'.

#### *Representations*

6.70 Matters raised but not considered above relate to land stability, construction matters, house prices, land ownership, and uploading of documents to the website.

6.71 Representations refer to the underlying geology of the area/land stability and potential damage to neighbouring properties with regard to the built development, and flooding from the surface water drainage scheme. The precise location of any built development would be decided at the reserved matters stage and could be sited to ensure there are no land stability issues to neighbouring land/or this could be demonstrated, if necessary. In terms of the surface water drainage scheme, the fine details of this are required by condition.

6.72 Matters relating to construction refer to noise, disturbance, and dust which are all matters that would be dealt with under environmental protection legislation and are not planning matters. The impact upon house prices is not a planning consideration. The red outline application site has been amended so it excludes any land not in control of the applicant. Additional/amended information provided by the applicant was uploaded to the website at the same time, with a formal 21 day re-consultation carried out on all the information. This is standard practice and carried out to avoid numerous re-consultations on single documents each time to 300+ residents in this case.

## **7.0 CONCLUSION**

7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless materials considerations indicate otherwise.

7.02 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to a number of criterion. The outline application proposes up to 440 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and

conditions. The application also complies with all other relevant Development Plan policies.

- 7.03 The allocation of the site for housing would inevitably have an impact upon the setting of listed buildings to the north but this would be minimised in line with the Parameter Plan and the impact would be 'less than substantial'. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, and a church car park, outweigh this less than substantial harm.
- 7.04 Kent Highways are raising objections on the basis of an unacceptably severe traffic impact on the highway network and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree the impact is severe, and the objections are not considered to be reasonable grounds to refuse planning permission.
- 7.05 KCC have raised capacity and safety concerns regarding the proposed signalisation of the Willington Street/Deringwood Drive junction so it is recommended that delegated powers are given to officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways. If this cannot be agreed or KCC do not remove their objection specifically to the impacts at this junction, the application will be reported back to Planning Committee for a decision on this matter.
- 7.06 Highways England is raising no objections subject to a condition that limits 230 house occupations until works to the M20 Junction 7 have been carried out in full. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate and such a condition does not pass the required tests for planning conditions and is unreasonable for the reasons outlined above.
- 7.07 All representations received on the application have been fully considered in reaching this recommendation.
- 7.08 It is concluded that the development is acceptable and complies with policy H1(8) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions, and resolution of the matters as set out below.

## **8.0 RECOMMENDATION**

Subject to:

- The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;
- The agreement of any improvements to the Willington Street/Deringwood Drive junction with KCC Highways or removal of their objection specifically

to impacts at this junction (with any relevant amendment of condition 15);  
and

- Referral of the decision to the Secretary of State

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

#### Heads of Terms

1. £3324.00 per applicable house and £831.00 per applicable flat towards the expansion of Greenfields Community Primary School.
2. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
3. £5,000 Travel Plan monitoring fee.
4. £1,500 Section 106 monitoring fee.

#### Conditions:

##### *Time Limit*

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:  
  
a) Scale b) Layout c) Appearance d) Landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

##### *Access*

2. The access points hereby permitted shall be carried out in accordance with drawing no. 06 RevF (Proposed Access Arrangement) and the visibility splays kept free of obstruction above a height of 1 metre.

Reason: In the interests of highway safety.



*Parameters*

3. The layout details submitted pursuant to condition 1 shall follow the principles of the development areas and buffers/landscape areas as shown on the approved Parameter Plan (Drawing No. 16206/C03HG).

Reason: To ensure the development accords with the site allocation policy, limits impacts upon heritage assets, protects and enhances biodiversity, and provides a high quality design.

4. The layout details submitted pursuant to condition 1 shall provide at least a 15m development free buffer to the Ancient Woodland in the southern part of the site.

Reason: To protect the Ancient Woodland in the interests of biodiversity.

5. The layout details submitted pursuant to condition 1 shall provide at least 2.88 hectares of on-site public open space.

Reason: To comply with the site policy and provide a high quality development.

6. The layout and access details submitted pursuant to condition 1 shall provide the following:

- A pedestrian and cycle link from Church Road to the development area via the open space to the north of St Nicholas Church and Church House.
- A pedestrian and cycle link to and across the area of Council owned land to the south of the site providing a link to Woolley Road.

Reason: To ensure appropriate connectivity in the interests of sustainability and highway safety.

7. The landscape details submitted pursuant to condition 1 shall provide the following:

- Native planting within the buffers areas as shown on the Parameter Plan.
- Strengthening and replacement native hedge planting along the site frontage with Church Road.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

*Pre-Commencement*

8. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles within the Flood Risk and Sustainable Drainage Assessment (Herrington, March 2019) and shall demonstrate that

the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

The drainage scheme shall be implemented in accordance with the approved details.

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

9. No development shall take place until the mitigation measures detailed within chapter 6 of the Ecological Appraisal (Aspect Ecology; March 2019) have been implemented as detailed. If works have not commenced by March 2020 an updated ecological mitigation strategy shall be submitted to the local planning authority for written approval. It must include the following information:
- a) Updated ecological appraisal
  - b) Results of recommended specific species surveys
  - c) Over view of the ecological mitigation required
  - d) Detailed methodology to implement the mitigation
  - e) Timing of the proposed works
  - f) Details of who will be carrying out the works.
  - g) Maps clearly showing the mitigation areas.

The mitigation must be implemented as detailed within the approved document.

Reason: In the interest of biodiversity protection and enhancement.

10. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved

Reason: In the interests of human health.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
  - a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

*Pre-Slab Level*

12. No development above slab level shall take place until, details of the mechanism to ensure the proposed car park for St Nicholas Church can be used by the Church in perpetuity and the timing of its implementation, have been submitted to an approved in writing by the Local Planning Authority. Once implemented the car park shall only be used in connection with use of the Church.

Reason: To ensure the heritage benefit of the Church car park is secured.

13. No development above slab level shall take place until the specific air quality mitigation measures, which shall include the type and location of electric vehicle charging points, 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.

Reason: In the interests of limiting impacts upon air quality.

14. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

#### *Pre-Occupation*

15. The development shall not be occupied until the following off-site highways works have been provided in full:

a) Improvements to the Church Road/Deringwood Drive junction as shown on drawing no. 34.1 within the 'Iceni Transport Note – July 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 35.1 RevA within the 'Iceni Transport Note – September 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

- c) Road widening and new pavement provision on Church Road as shown on drawing nos. 34.1 and 34.2 within the 'Iceni Transport Note – July 2019';
- d) The give way/build out feature on Church Road as shown on drawing no. 34.3 within the 'Iceni Transport Note – July 2019';
- e) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the Local Plan Authority (in consultation with the Highways Authority); and

Reason: In the interest of highway safety.

16. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

17. The development shall not be occupied until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

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

18. The development shall not be occupied until details of upgrade works to PROW KM86 have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved works have been carried out in full.

Reason: In order to provide appropriate connectivity.

19. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. 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; topographical survey of 'as constructed'

features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.