

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 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, outweigh this less than substantial harm.
- KCC Highways is raising objections based on an unacceptably severe traffic impact on the A229/A274 and Willington Street corridors 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.
- Historic England are now raising objections as the dedicated church car park has been removed on the basis that there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report the Local Planning Authority does not agree the development would threaten the Church's economic viability. Officers do however consider that the car park should still be secured as it would represent a clear heritage benefit.
- 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

- Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below.

<ul style="list-style-type: none"> The recommendation is contrary to the view of Kent Highways (statutory consultee). 			
WARD Downswood And Otham		PARISH/TOWN COUNCIL Otham	
		APPLICANT Bellway Homes Limited AGENT DHA Planning	
DECISION DUE DATE: 08/11/19		PUBLICITY EXPIRY DATE: 17/10/19	
SITE VISIT DATE: 17/04/19 & 10/10/19			
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
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
19/506182	Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.	PENDING	

1.0 **BACKGROUND**

1.01 This application was reported to Planning Committee on 24th October 2019 where officers recommended approval. The previous committee report and urgent update are attached at the **Appendix**. Planning Committee deferred consideration of the application for the following reasons:

1. That consideration of this application be deferred for further discussions to:

- Seek to remove the proposed car park for the Church from the scheme;*
- Seek to (a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and (b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church;*
- Seek to resolve the outstanding issues relating to improvements to the Willington Street/Deringwood Drive junction;*
- Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation;*
- Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland;*

- *Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating); and*
 - *Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout.*
2. *That the Ward Member, Downswood and Otham Parish Councils and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee are to be involved in these discussions.*

1.02 A meeting was held in December 2019 with relevant Members and the Parish Councils where the applicant presented their response to the deferral reasons and provided clarification on some matters. The meeting was not held to make any decisions on the application as this must be done by the Planning Committee but to discuss and seek clarification on the applicant's responses to the deferral reasons.

1.03 After the meeting the applicant submitted the following additional information:

- Transport Technical Notes (commenting on the highway deferral points and with amended/new junction improvements for Deringwood Drive/Willington Street and Spot Lane and safety audits)
- Amended Parameter Plan
- Plan showing potential widening on Church Rd to the south of the site
- Clarification on renewables and surface water drainage

1.04 The additional details were sent to KCC Highways and the parties involved in the above meeting group and their comments on these specific matters are summarised below. Further comments on the application have been received from local residents/groups and Councillors Newton and Cooke which are also set out below.

2.0 LOCAL REPRESENTATIONS (FOLLOWING DEFERRAL)

2.01 **Otham Parish Council:** *"The parish council does not agree with the findings and our original objections remain."*

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

- Removal of the dedicated church car park would result in an objection from Historic England.
- Residents bounding the site should be afforded the same buffers to the ancient woodland.
- The Highways Authority have historically advised that signalisation of Deringwood Drive/Willington Street is dangerous.
- Signalisation of Deringwood Drive/Willington Street is dangerous for the reasons outlined in the safety audit and do not agree that the safety audit has been overcome.

- Swept path analysis is not adequate.
- Icy conditions will make junction dangerous.
- Highway Technical Notes has many misleading and disingenuous statements.
- Spot Lane junction changes are not sufficient and will make it harder for pedestrians to cross.
- Spot Lane changes are dangerous and don't pass the safety audit.
- Intermittent widening of Church Road would be likely to encourage vehicles to speed up as they approach the most dangerous narrow section, so increasing the likelihood of accidents on a much busier Church Road.
- SUDs will lead to the potential creation of solution features / sink holes in this notorious geological formation.
- KCC LLFA has questioned the SUDs proposals.
- Irresponsible, in the light of the Site Investigation Report repeated concerns relating to the dangers of allowing ingress of surface water at ground level, to assume the proposed SuDS would not only work but in a safe manner with minimal risk.
- Cannot understand the nature or purposed of the extra "wet pond" proposed to be added to the detailed site layout for the full planning application?
- Nothing in this additional information which has overcome the many concerns that DPC have with the principle of the development of this site, let alone the engineering and other specialist details.

2.03 **Local Residents:** 34 further representations received raising the following (summarised) points:

- Increased traffic and congestion on local and strategic roads.
- Highway safety.
- Traffic lights and junction changes at Willington Street will be dangerous.
- Local roads affecting by flooding.
- Flooding results in the closure of Mallards Way.
- Access should be via Woolley Road.
- Travel plan is worthless.
- The amount of information is confusing.
- Removal of church car park results in Historic England objection.
- Historic England comments on the detailed application are relevant as the church car park has been removed.
- Where will church goers park.
- Church car park should be provided.
- Highway safety issues from church goers parking.
- Heritage Statement is not fit for purpose.
- Rat running occurs on local roads.
- Church Road is not safe or suitable for additional traffic.
- Widening would harm Church Road.
- Damage to church from construction.
- Development is premature.
- Junction improvements on A274 will not be sufficient.
- Land stability issues on the site and in Chapman Avenue.
- Potential damage to neighbouring properties.
- Geology brings into question surface water proposals.

- Flood risk.
- Harm to wildlife/ecology.
- Harm to the setting of the Grade I listed Church.
- Lack of infrastructure and amenities including schools and surgeries.
- Overlooking/loss of privacy.
- Air quality.
- Noise and dust during construction.
- The applicant's response to the deferral reasons is not clear.
- What is being proposed under the outline application is not clear.
- Problems with sewers.

2.04 Chapman Avenue Area Residents Association: Raises the following (summarised) points:

- No minutes of the meeting held post deferral.
- KCC Highways objections cannot be resolved.
- Served by narrow country lanes.
- Overwhelmed congested traffic system.
- Highway safety.
- Flood risk.
- Potential for anti-social behaviour.
- Damage to the environment.
- Harm to setting of listed buildings.
- Pollution.
- High density.

2.05 Bearsted & Thurnham Society: Raises the following (summarised) points:

- Severe traffic issues.
- Traffic signals at the junction of Deringwood Drive and Willington Street have been constantly rejected by KCC on traffic safety grounds in view of the steep downhill approaches.
- Stopping more traffic at the signals will increase pollution
- At peak times, traffic on Spot Lane is already congested.
- The alternative route, south towards Sutton Road via Church Road and Gore Court Road is a narrow country lane.
- The developer demonstrates that Willington Street, without the traffic arising from the proposed houses will be grossly over-congested.
- Lack of local amenities and infrastructure.
- Harm to church.
- The current practice of parking along Church Road will be impossible.
- As a Grade 1 listed building, the church should be afforded the highest levels of protection, both as a structure and to ensure its continuing viability.

2.06 Borough Councillor Newton:

- Spot Lane / Mallards Way was recently flooded and impassable by traffic three times this year due to The River Len overflowing. Willington Street was also flooded at the same time.

2.07 **County Councillor Cooke:** Raises the following (summarised) points:

- What work has been undertaken to evaluate alternative means of access to the application site, as alternatives do exist.
- What scrutiny has been applied to the applicant's highway responses.
- The proposals for Church Road with Deringwood Drive undo and reverse earlier improvements that were introduced to improve pedestrian safety, returning the junction to as it was before the safety work was undertaken.
- Object strongly to traffic lights at the junction of Deringwood Drive and Willington Street which cannot be accommodated safely.
- Additional traffic cannot be accommodated via any access to Church Road.
- The additional traffic would render Church Road as unsafe as due to the narrowness of Church Road.
- Extremely adverse impact on Grade I listed Church especially as the applicant has no intention of delivering the dedicated car parking for the church that persuaded Historic England to withdraw its objection.
- In the absence of such dedicated parking facility, the planning authority must consider the objection of Historic England to be valid.

3.0 CONSULTATIONS (FOLLOWING DEFERRAL)

3.01 **KCC Highways: Maintain objections** on the basis of:

- Worsening safety hazards to road users on Church Road.
- An unacceptably severe traffic impact upon the local highway network specifically the A229/A274 and Willington Street corridors.

3.02 **Historic England: Now raise objections** as the dedicated church car park has been removed on the basis that there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability.

4.0 APPRAISAL

4.01 The appraisal will focus on the reasons for deferral of the application as set out below:

Seek to remove the proposed car park for the Church from the scheme

4.02 The applicant has removed the dedicated church car park from their proposals and this is no longer shown on the Parameter Plan but instead would be an undeveloped landscaped area. The consequence of this is that Historic England (HE) are now raising an objection to the proposals.

4.03 HE considers that without a dedicated church car park in the application there is less heritage benefit which might outweigh the harm arising from

this application. They also have serious concerns that an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability.

- 4.04 As before officers recognise the clear benefit of providing a dedicated church car park and consider its impact upon the setting of the building to be acceptable. The church provides other community services beyond worship including 'messy church' for children, concerts, coffee mornings and other events. The car park would help support the listed building by providing off-street parking in a convenient location to support church services and help sustain the alternative facilities/events at the church and provide disabled parking bays. Whilst there is not requirement for the applicant to provide the car park, officers would still recommend that this is secured to provide a clear benefit to the Grade I listed building.
- 4.05 However, I do not agree with HE that the development would threaten the Church's economic viability without the car park. I consider the development would actually provide safer on-street parking on the roads within the new housing estate to the current situation on Church Road and so would not discourage people from using the church.
- 4.06 In conclusion, the car park has been removed as requested by Committee and this results in an objection from HE. Officers consider the car park should still be secured as it would represent a clear heritage benefit for the Grade I listed building and is ongoing use. However, should Members proceed without the car park officers still consider 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 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. This is also the view whilst having special regard to the preservation of the setting of the Church and Church House in line with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Parameter Plan ensures that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing. Condition 12 which would have secured the car park has been removed.
- 4.07 It is not considered that parking associated with the Church will result in any unacceptable highway safety conditions on the basis that the road is being widened outside the site, the development will provide potential places to park within it, and no objections are raised by KCC Highways on this issue.

Seek to

(a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and

(b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church

4.08 The Parameter Plan has been amended to indicate a larger amount of open space near to the Ancient Woodland which is labelled as 'additional woodland as part of an ecological area to protect the ancient woodland'. This area is now a minimum of 30m in depth (previously 15m) and the increased area can be secured under condition 4 and the woodland planting secured under condition 7. Around the Church, orchard planting is proposed in place of the car park and it is considered that this would enhance the landscaped setting around the Church and can be secured under condition 7. Both conditions 4 and 7 are amended in the recommendation below.

Seek to resolve the outstanding issues relating to improvements to the Willington Street/Deringwood Drive junction

4.09 When the application was originally reported to Planning Committee the proposed signalisation of this junction was not resolved with safety issues still outstanding. The applicant has now amended the junction improvements twice to overcome the issues raised by the independent safety auditor with the principal change being that the number of approach lanes on Deringwood Drive (DD) has been reduced from two to one. The latest scheme for signalisation has overcome the remaining safety audit issues and KCC Highways have confirmed they are satisfied the recommendations of the Road Safety Audit have been addressed.

4.10 I remind Members 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 main issue is considered to be the difficulty in traffic leaving DD and so the queuing on this arm, rather than along Willington Street (WS). The proposed signalisation would better manage traffic, provide safer opportunities for DD and development traffic to exit onto WS, and improve pedestrian crossing facilities. Whilst this would not bring the DD arm within design capacity it would reduce the potential maximum queuing length on DD from 288 vehicles in the AM peak hour (which has the most traffic) to a maximum of 39 vehicles. On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that provides mitigation for other committed development.

4.11 However, KCC Highways still consider that this change to the junction would introduce a new delay on WS so any mitigation for DD would effectively be counteracted by the introduction of queuing and delays on WS. They consider this would be result in a severe traffic impact but importantly have not identified any highway safety issues. Willington Street South and Deringwood Drive arms of the proposed junction would be up to 14% over theoretical capacity if all pedestrian crossings were operated. However, the applicant has carried out further modelling work to demonstrate that an additional set of traffic lights on WS would not result in any worsening of traffic conditions during the peak hours because

queuing of this nature could already be expected to occur along the WS corridor due to interactions with the existing signalised junctions further to the north. KCC Highways have reviewed this evidence and consider that because such modelling is highly sensitive to changes in prevailing conditions, they regard such sensitivities to limit the confidence that can be attached to the applicants' conclusion. They also consider the extent to which the junctions are predicted to operate over capacity is also likely to have distorted the modelling outputs, such that there is less certainty that mitigation of impact can be achieved at this location. So basically, they do not agree with the applicant's conclusions.

4.12 Whilst there may be some sensitivity in the modelling, as there is for any modelling, KCC Highways have not provided any modelling or analysis to counter that put forward by the applicant. Nor do I consider that up to 14% over theoretical capacity on two arms of the junction results in a severe impact and most importantly KCC Highways have not raised any highway safety issues if any increased delays did occur on Wellington Street. Having driven along WS in the AM peak, I noted that extensive queuing occurs, and I consider that in line with the applicant's analysis, new traffic signals are unlikely to result in any significant change in traffic conditions on Wellington Street or to a degree that would result in a severe impact above the current conditions or result in dangerous driving conditions.

4.13 On this basis, it is considered that the signalisation of the DD/WS junction which has passed a Stage 1 Safety Audit, provides for appropriate management of traffic from DD, improves pedestrian crossing facilities, and would not have a severe impact upon traffic flows on WS. It therefore remains a requirement that it is delivered prior to occupation under the off-site highways works listed in condition 15.

Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation

4.14 The original committee report outlined that 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 officers considered that the impact is not severe or dangerous and does not warrant mitigation or objection in line with policy DM21.

4.15 The applicant has reviewed the junction in line with the deferral request and is proposing some mitigation in the form of kerb realignment on the Spot Lane arm. This will allow for two vehicles to be positioned side-by-side at the junction, thereby allowing left turning vehicles to pass a single right turning vehicle. This would reduce the potential maximum queuing length on Spot Lane from 58 vehicles in the AM peak hour to a maximum of 30 vehicles. Officers maintain that the impact on this junction is not severe but as Members considered that mitigation needed to be investigated this has been added to condition 15. KCC Highways also advise that the improvement passes the safety audit and achieves the required mitigation of impact.

Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland

- 4.16 This has been investigated and Church Road could be widened on the west side to 5.5m (the width sought by KCC Highways) for approximately a 210m section to the south of 'Little Squerryes'. This would not involve any loss of ancient woodland but the widening would result in the cutting back and potential loss of hedging/trees.
- 4.17 As set out in the original report, officers maintain that the based on just over one additional movement a minute over the peak hour from the development, it would not have an unacceptable or severe impact on highway safety beyond the current situation. Also, based on this, that any benefits of road widening are not considered to outweigh the visual harm to Church Road that would result from the loss of hedging and the change in character. However, if Members considered the benefits of this section of widening outweighs any visual impact then it could be justified and secured by condition. KCC Highways welcome the additional widening proposed but as it does not cover the whole length of Church Road they maintain an objection.

Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating)

- 4.18 The applicant is agreeable to providing PV panels on 10% of the houses and this would be on the affordable units. Officers maintain that Local Plan policy does not require this but a condition is added to secure this as this was sought by Members.

Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout

- 4.19 The application is supported by a Flood Risk and Drainage Report which considers that the most viable solution for managing surface water run-off is via deep infiltration into the ground. Various SUDS would also be proposed including permeable surfacing, swales, deep bore soakaways and a number of drainage basins. The existing surface water flow path which crosses the site is to be partially re-aligned, directing through the centre of the site as a green corridor, which allows water to naturally flow across the site without posing a risk to the proposed dwellings. The water will only be re-directed on site to ensure water is not displaced off site. As stated in the main report this is an outline application and so the precise details would be dealt with at reserved matter stage/via conditions and 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.

Representations

4.20 The further representations received since the committee meeting either relate to the considerations above, or do not raise any new material issues beyond those previously considered.

5.0 CONCLUSION

5.01 The applicant has responded to the deferral reasons as follows:

1. The church car park has been removed.
2. A greater amount of wooded open space to protect the Ancient Woodland has been provided.
3. An enhanced area of landscaping has been provided around the Church.
4. The improvements to the Willington Street/Deringwood Drive junction have now passed a Stage 1 Safety Audit and are considered acceptable.
5. An improvement to the Spot Lane/A20 junction has been proposed and has passed a Stage 1 Safety Audit and is considered acceptable.
6. Widening on Church Road has been investigated and could be secured if Members consider it is necessary.
7. Renewable energy measures are proposed.
8. Clarification of the potential SUDs proposals have been provided.

5.02 It is considered that the applicant has comprehensively responded to the deferral reasons and officers once more recommended permission. For completeness I set out the full conclusion on the application once more below:

5.03 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.

5.04 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion. The outline application proposes up to 440 houses and for the reasons outlined in the original committee report within the **Appendix** and 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.

5.05 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 social and economic benefits, outweigh this less than substantial harm.

APPENDIX C

Planning Committee Report 28th May 2020

- 5.06 Kent Highways are raising objections on the basis of an unacceptably severe traffic impact on the local highway specifically the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road. For the reasons outlined in the reports 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.
- 5.07 Historic England are now raising objections as the dedicated church car park has been removed on the basis that there is less heritage benefit which might outweigh the harm, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report above the Local Planning Authority does not agree the development would threaten the Church's economic viability.
- 5.08 All representations received on the application have been fully considered in reaching this recommendation.
- 5.09 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.

6.0 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 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. £1,422 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/C03L).

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 30m woodland planted development free buffer to the Ancient Woodland in the southern part of the site as shown on the approved Parameter Plan (Drawing No. 16206/C03L).

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.
- Woodland planting within the Ancient Woodland buffer
- Orchard planting to the south of St Nicholas Church.

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 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.

13. 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

14. 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. 14915-H-01 RevP4 at Appendix C of the 'DHA Transport Technical Note – February 2020' 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
- f) Improvements to the A20 Ashford Road/Spot Lane/Roseacre Lane junction as shown on drawing no. 14915-H-02 RevP1 at Appendix J of the 'DHA Transport Technical Note – December 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

Reason: In the interest of highway safety.

15. 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.

16. 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.

17. 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.

18. 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.

19. The reserved matters details submitted pursuant to condition 1 shall provide for PV panels on 10% of the residential units and these shall be affordable units.

Reason: In the interests of sustainable development.