

<b>REFERENCE NO - 22/501614/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Section 73 - Application for Variation of condition 30 (to vary the trigger point for the delivery of the Willington Street/Deringwood Drive improvements, to prior to occupation of 100 units, rather than prior to commencement above floor slab level) pursuant to application 19/506182/FULL (allowed on appeal) for - Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.			
<b>ADDRESS</b> Land West of Church Road, Otham, ME15 8SB			
<b>RECOMMENDATION – APPROVE WITH CONDITIONS</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>• It has been demonstrated the traffic associated with 100 houses/units and construction vehicles would not result in a severe traffic or safety impact and so can be accommodated at the existing Deringwood Drive/Willington Street junction, and no objections have been raised by the Highways Authority.</li> <li>• It is therefore acceptable to move the trigger for the implementation of the junction improvement to the occupation of 100 units.</li> <li>• The Council decided that it would have approved an identical application (21/503585/FULL) at Planning Committee on 24<sup>th</sup> March 2022 had an appeal not been lodged, and this is a fundamental material consideration. There is a requirement to ensure consistency in decision-making as established by case law and the current application is for the same proposal, with the same evidence, and with the same response/advice from the Highways Authority. Nothing has materially changed since the previous decision and so approval is consistent with that decision and is also recommended for this reason.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Otham Parish Council strongly objects to the proposals for the reasons outlined in the report and request the application is decided by the Planning Committee.</li> </ul>			
<b>WARD</b> Downswood & Otham	<b>PARISH COUNCIL</b> Otham	<b>APPLICANT</b> Bellway Homes Ltd <b>AGENT</b> DHA Planning	
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 31/03/22	<b>DECISION DUE DATE:</b> 30/06/22	
<b>ADVERTISED AS A DEPARTURE: NO</b>			
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
21/503585	Section 73 - Application for Variation of condition 30 (to vary the trigger point for the delivery of the Willington Street/Deringwood Drive improvements, to prior to occupation of 100 units, rather than	MBC WOULD HAVE APPROVED PERMISSION (HAD AN	24/03/22

	prior to commencement above floor slab level) pursuant to application 19/506182/FULL.	APPEAL NOT BEEN LODGED)	
19/506182	Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.	REFUSED & ALLOWED AT APPEAL	07/01/21
19/501600	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)	REFUSED & ALLOWED AT APPEAL	07/01/21

## **1.0 DESCRIPTION OF SITE**

1.01 The application relates to the 'Land West of Church Road' housing allocation site (H1(8)) where full and outline permission was allowed at appeal in January 2021 subject to conditions. The site is to the southeast of Maidstone and is between substantial residential areas to the north, west and southwest. 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.

## **2.0 PROPOSAL**

2.01 This a 'section 73' application to vary condition 30 of the appeal decision.

Condition 30 states as follows:

*The development shall not commence above floor slab level 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;*
- b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 14915-H01 Rev 5, or any alternative scheme agreed in writing with the local planning 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'.*

2.02 The applicant is proposing to change the trigger point for providing the improvements (signalisation) to the Deringwood Drive/Willington Street (DD/WS) junction listed under part (b) from 'slab level' to the occupation of 100 houses/units. The trigger for the delivery of parts (a) and (c) would not change.

### **3.0 BACKGROUND**

- 3.1 An identical application was reported to Planning Committee on 17<sup>th</sup> February 2022. The application was recommended for approval and contrary to the recommendation, a motion was proposed and seconded to refuse the application. The Head of Planning and Development advised the Committee he did not consider the reason for refusal was sustainable at appeal and that it would more likely than not cause significant cost implications to be incurred by the Council because of unreasonable behaviour. As a result, the Constitution required that the Committee's decision be deferred to its next meeting on 24<sup>th</sup> March 2022 to enable the provision of further advice on the risks involved in pursuing a refusal.
- 3.2 After 17<sup>th</sup> February and before the 24<sup>th</sup> March meeting, the applicant lodged an appeal on the grounds of 'non-determination'. As such, the decision made on 24<sup>th</sup> March was what decision the Council 'would have made' on the application and therefore what position the Council would take at the appeal. The Committee's decision, following advice from officers and Counsel, was that they 'would have' approved permission and this is a fundamental material consideration. The previous committee reports are attached at the **Appendix**.
- 3.3 The Public Inquiry appeal is on-going and based on the Committee's decision, the Council is not contesting the appeal and agrees that it should be allowed subject to conditions. The Public Inquiry will begin on 28<sup>th</sup> June 2022.
- 3.4 The applicant has 're-submitted' this application "to enable the Council to determine the application" as stated in their covering letter.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP23, H1, H1(8), DM1, DM21
- Otham Neighbourhood Plan (2021): ST1, ST2
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance
- Maidstone Local Plan Review (Regulation 19)

### **5.0 LOCAL REPRESENTATIONS**

5.01 **Otham Parish Council:** Object to the application for the following reasons:

- The Planning Inspector clearly stated in his Appeal Decision that the delivery of mitigation measures should be in place prior to the development being occupied. If he felt part occupation of the site was acceptable, he would have said so.
- The Planning Inspector clearly stated the mitigation should be in place prior to occupation and that the junction cannot remain to operate within its existing arrangement over the next few years with the various committed development schemes in southeast Maidstone.

- The Inspector states that, *"the submitted information identifies that, on completion of local committed developments, the junction will experience capacity issues, specifically on the Deringwood Drive arm, with drivers unable to exit this arm due to the increasingly heavy traffic volumes on Willington Street. This issue would be exacerbated by the implementation of the proposed development."*
- The Inspector continued in his report with the statement, *"irrespective of whether the appeal schemes are allowed, the submitted Transport Assessment suggests that the Willington Street/Deringwood Drive junction cannot remain to operate within its existing arrangement over the next few years with the various committed development schemes currently completed or under construction in south-east Maidstone."*
- The safety of pedestrians and cyclist is paramount. Traffic is already at a dangerous level due to the additional traffic from the various developments on the Sutton Road and from Bicknor Wood in Otham.
- The Parish Council wishes that Condition 30 of the Inspector's Report is adhered to and no development is allowed until the junction improvements are in place.

**5.02 Local Residents:** 4 representations received raising the following (summarised) points:

- Should not be a delegated decision.
- Sole objective appears to be to secure maximum financial gain irrespective of what many people feel would be fair.
- Site should not have been included in the Local Plan.
- The prolonged dealings with the site have incurred enormous expenditure of both time and money.
- A procession of highly detailed technical surveys and forecasts does nothing to guarantee the safety of the junction.
- Surely it is always preferable that improvements to safety are undertaken sooner rather than later.
- Costs to the developer and Highways Authority budget are nothing when measured against possible loss of life or limb.
- How can developers be allowed to alter conditions made with the intention of keeping the public safe.
- Public comments are not taken on board and the odds are so stacked in favour of the developer.
- Planning Inspector included the condition because the junction is dangerous and is used by school children and families and is part of cycle network.
- A van has wiped out the safety railings put at the junction to protect pedestrians.
- HGV's never stop to allow pedestrians to cross junction and the traffic island affords no safety.
- HGV's are already using the junction.
- People will not cycle until the crossing is in place.
- Compromise would be to have someone help people cross the road during construction or 100 houses can be built but not occupied.

- There has been no counting of pedestrians or cyclist who currently use the junction.
- Since work has commenced with have experienced dust and noise.

## **6.0 CONSULTATIONS**

### **6.01 Highways England: No objections.**

**6.02 KCC Highways: No objections.** *"Given how these proposals are identical to the previous I can confirm that that KCC Highways continue to raise no objection. The reasons and rationale for this are set out in this authority's previous consultation responses."*

These are from application 21/503585/FULL and are set out below:

#### Traffic Impacts

*"KCC Highways has some concerns over the additional local congestion this development would create. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That can only be judged on a case by case basis, taking account of all material factors.*

*KCC Highways has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that the situation is likely to be worsened, but KCC Highways are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety. However, your Members should be made aware that the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.*

*On this basis it is concluded that an objection to the proposed occupation of 100 dwellings prior to the provision of the Deringwood Drive junction improvement cannot not be justified in this instance."*

#### Highway Safety

*"I can confirm that KCC Highways have assessed the impact of the proposals in safety, as well as capacity terms.*

*The existing junction arrangement is designed to a high standard. This is characterised by extensive carriageway widths, junction widths, wide junction radii and the provision of a ghost right turn lane (GRTL) on Willington Street itself. In addition, as highlighted within KCC Highways final consultation response and the applicant's further Transport Technical Notes Deringwood drive is a bus route. Consequently, large vehicles already use the junction without adversely impacting upon overall levels of highway safety.*

*I have checked the personal injury collision (PIC) record at the junction in question and can confirm that in the last 5-year period up to September 2021 3 collisions have been recorded. All 3 collisions were slight in severity, with driver error a contributory factor in all the recorded collisions. The layout or geometry of the junction is not a contributory factor in any of the collisions. The good PIC record at the junction, coupled with the fact that the junction is already used by large vehicles demonstrates that there is no evidence to indicate that construction traffic would adversely impact upon overall levels of highway safety."*

## **7.0 APPRAISAL**

7.01 This application is identical to application 21/503585/FULL where the Council decided that it would have approved permission at the 24<sup>th</sup> March Committee meeting. Being made on an identical application, this decision is a fundamental material consideration and there is a requirement to ensure consistency in decision-making as established by case law, as set out in the conclusions. Officers are again recommending approval for the same reasons as before and the assessment is set out below.

### Planning Inspector's Reasons for Condition

7.02 Planning Inspector's do not put specific reasons for conditions as is the case for planning authorities but discussion of the DD/WS junction can be found at paragraphs 36-58 of the original Appeal Decision. At paragraphs 175 and 185 it states the off-site junction and highway improvement works are necessary in the interest of 'highway safety and flow of traffic'.

7.03 The main justification for the junction improvement itself was to mitigate the traffic impact of the development but the Inspector acknowledged that it would also introduce an improved crossing for pedestrians and cyclists at paragraph 42.

7.04 In terms of the trigger for delivery of the junction works, this is usually set at 'prior to occupation' because applicants are only required to assess the impact of the 'development' traffic itself (i.e. the new houses) and occupation is when this additional traffic will occur. In this case, the Inspector set it at 'slab level' but no explanation is provided in the written decision. Under application 21/503585/FULL we therefore asked the Inspector and he stated as follows:

*"The only comment I can make is that my decision states the following at paragraph 185:*

*Also in the interests of highway safety, conditions are necessary requiring the provision of the site accesses, off-site highway improvements, measures to maintain the access visibility splays and the provision of parking/turning areas for each building (conditions Nos. 7, 29, 30 and 32). However, I have amended the suggested condition relating access to ensure that the access points are provided prior to the commencement of any development above slab level.*

*The reason for the condition is in the interest of highway safety. This was discussed in the 'round table session' on conditions. It was my view that the off-site traffic management measures should be completed as soon as possible before substantive deliveries of materials and construction works occurred. This was not an amenity issue but a highway safety matter given the nature of the surrounding highway network and the relative matters discussed in the Inquiry."*

7.05 So whilst not explicit in the appeal decision, the Inspector has advised that the earlier trigger was based on highway safety to limit the amount of construction traffic before the junction works take place. So, it is appropriate to consider the highway safety implications of additional 'construction' traffic beyond slab level in addition to the traffic associated with 100 houses as part of this assessment.

#### Traffic Impact of 100 Houses

7.06 The applicant has provided an assessment of the impact of up to 100 houses at the WS/DD junction modelled in 2024 when the occupation of 100 houses is predicted. This is new evidence that was not before the Planning Inspector at the appeal.

7.07 The modelling of the WS/DD junction considers the cumulative effect of background traffic growth, wider committed development, and 100 houses at the Church Road site, and forecasts that the WS/DD will operate well within its design capacity. The maximum impact is the DD arm being at 84.9% capacity in the AM peak, otherwise the impact is in the 50% range.

7.08 KCC Highways have once again reviewed the evidence and raise no objections.

7.09 Policy DM21 of the Local Plan states that the development proposals must, *"Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied."*

7.10 For the above reasons, the applicant has demonstrated the trips generated from up to 100 houses can be accommodated and so it is considered acceptable to vary the trigger for delivery of the WS/DD junction to 100 houses. Delivery at this point would then sufficiently mitigate the traffic impact of this amount of development (100 houses) and so it would not contravene policies SP23 or DM21 of the Local Plan or the NPPF.

#### Highway Safety

7.11 KCC Highways once again have confirmed they have no objections from a safety point of view with use of the existing WS/DD junction by up to 100 houses from the development and construction vehicles. This is understandable as the existing junction accommodates all modes of traffic and is used by cars, buses, and refuse vehicles. They stated under application 21/503585/FULL,

*"The existing junction arrangement is designed to a high standard. This is characterised by extensive carriageway widths, junction widths, wide junction radii and the provision of a ghost right turn lane on Willington Street itself. In addition, as highlighted within KCC Highways final consultation response and the applicant's further Transport Technical Notes, Deringwood drive is a bus route. Consequently, large vehicles already use the junction without adversely impacting upon overall levels of highway safety.*

*I have checked the personal injury collision (PIC) record at the junction in question and can confirm that in the last 5-year period up to September 2021, 3 collisions have been recorded. All 3 collisions were slight in severity, with driver error a contributory factor in all the recorded collisions. The layout or geometry of the junction is not a contributory factor in any of the collisions. The good PIC record at the junction, coupled with the fact that the junction is already used by large vehicles demonstrates that there is no evidence to indicate that construction traffic would adversely impact upon overall levels of highway safety."*

7.12 In addition, the approved Construction Management Plan (ref. 21/502372/SUB), requires that construction/delivery vehicles are timed to arrive and depart outside the network peak hours (8am-9/5pm-6) where there would be more traffic and likely to be more pedestrians and cyclists.

7.13 So whilst the Inspector's reason for the earlier trigger for the junction improvement was highway safety relating to construction vehicles, there is no evidence, such as accident data, to counter the points made by KCC officers relating to the standard of the junction, the layout of the junction, that large vehicles (buses) already use the route without safety implications, the good personal injury collision record, and the absence of layout or geometry contributing to the accidents which have occurred. This is new evidence that was not before the Planning Inspector.

7.14 Therefore, it is considered acceptable to vary the trigger for delivery of the WS/DD junction to 100 houses as there would be no highway safety issues to warrant refusal in accordance with policy DM1 of the Local Plan and the NPPF.

### Representations

7.15 Representations in general relate to traffic congestion, highway safety, and pedestrian/cycle use of the junction, which has been considered above.

7.16 Some representations refer to the Appeal Decision and the Inspector's comments between paragraphs 38 and 41 where he states,

*"38. ....The submitted information identifies that, on completion of local committed developments, the junction will experience capacity issues, specifically on the Deringwood Drive arm, with drivers unable to exit this arm due to the increasingly heavy traffic volumes on Willington Street. This issue would be exacerbated by the implementation of the proposed development."*



*"41. Therefore, irrespective of whether the appeal schemes are allowed, the submitted Transport Assessment suggests that the WS/DD junction cannot remain to operate within its existing arrangement over the next few years with the various committed development schemes currently completed or under construction in south-east Maidstone."*

7.17 The Inspector did not state the WS/DS junction was over capacity at the time of the Appeal and was referring to the 'next few years' or 'on completion of local committed developments'. However, it is noted at paragraph 40 he refers to the 'Iceni Transport Note' (September 2019), which forecasted the DD arm of the junction would be at 138% in 2019. I previously asked the applicant for an explanation as to why their forecast in 2023 is much lower and they state,

*"Paragraph 40 of the appeal decision refers to the assessment undertaken by Iceni which included a significant over-estimate of the build-out of wider committed developments and background traffic growth in their 2019 horizon test.*

*You may recall that in my Rebuttal Statement to the Inquiry, I explained that we had refined our approach to the inclusion of committed developments and background traffic growth to address this issue.*

*Our more recent work for the S.73 application has also factored in MBC's latest housing trajectory and known build-out positions on local sites, which are behind what was anticipated pre-Covid."*

7.18 The latest evidence has been accepted by the Highways Authority and does not include 6 developments that were in the original 'Iceni' evidence because they will either not come forward by 2023 (permissions have lapsed) or have been completed and so are already on the network. It also shows that the Iceni forecasts did not occur. Ultimately it shows the WS/DD junction will not be over capacity with 100 houses in 2024 and this has been accepted by the Highways Authority.

## **8.0 CONCLUSION**

8.01 As was the case for application 21/503585/FULL, new material/evidence has been provided by the applicant which was not before the Planning Inspector at the original Appeal, and the advice on this new material/evidence from the qualified expert highways officers at KCC can be summarised as:

- There is no evidence that construction traffic would adversely impact upon highway safety in advance of the WS/DD highway improvements coming forward.
- The proposal (to move the condition trigger point) would not result in a severe residual impact upon the highway network (congestion).
- By implication, the proposed change to condition 30 would not result in a development which is contrary to the NPPF and/or the Local Plan.

8.02 For these reasons and those above it is considered acceptable to change the trigger for the WS/DD junction improvements to 100 occupations and the new condition would read as follows:

***The development shall not commence above floor slab level 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;***
- b) 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'.***

***The following off-site highways works shall be provided no later than the occupation of 100 units. The development shall not be occupied beyond this point until these off-site highways works have been provided:***

- c) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 14915-H01 Rev 5, or any alternative scheme agreed in writing with the local planning authority;***

8.03 This is a new (albeit identical) planning application so must be determined on its own merits. However, the previous decision that the Council 'would have approved permission' on an identical application, is a fundamental material consideration that must be taken into account. Members must also be aware of the need for consistency in decision making established in case law, *North Wiltshire v Secretary of State for the Environment* [1992]. In summary, this case establishes a requirement that like cases should be decided in a like manner so there is consistency. The ruling states this is important to both developers and local authorities but also for public confidence in the operation of the planning system. A decision maker is free to depart from an earlier decision but must have regard to the importance of ensuring consistent decisions and must give sound reasons for departing from an earlier decision.

8.04 The Council decided on 24<sup>th</sup> March 2022 that an identical application was acceptable and would have been approved had it not been taken to appeal. The current application is for the same proposal, with the same evidence, and with the same response/advice from the Highways Authority. Nothing has materially changed since the previous decision was made and so approval is consistent with that decision, and it is advised that a consistent decision should be made.

8.04 An approval will create a new planning permission and so all conditions must be re-attached. These are set out below where some refer to details already approved, and some to details under consideration. The section 106 legal agreement relating to the original permission has a clause (8.3) which ties it to any new permission so there is no requirement for a new legal agreement.

## 9.0 RECOMMENDATION

**GRANT PLANNING PERMISSION subject to the following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Conditions:

#### *Time limit*

- 1) The development hereby permitted shall begin before 7<sup>th</sup> January 2024.

#### *Details and drawings subject to the permission*

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan - 16206 S101 Rev A  
Existing Site Survey – 16206 S102 Rev B  
Site Layout Masterplan – 16206 P101 Rev U  
Coloured Site Layout Masterplan – 16206 C101 Rev S  
Site Layout (North) – 16206 P102 Rev D  
Site Layout (South) – 16206 P103 Rev B  
Site Layout (Colour coded by type) – 16206 P104  
Site Layout (Hard surfaces) – 16206 P105 Rev A  
Proposed Street Scenes A-A & B-B -16206 P110 Rev E  
Proposed Street Scenes C-C & D-D – 16206 P111 Rev E  
Proposed Street Scenes E-E to G-G – 16206 P112 Rev D  
Proposed Street Scenes H-H & J-J – 16206 P113 Rev E  
Proposed Street Scenes K-K to M-M – 16206 P114 Rev D  
Proposed Street Scenes N-N & P-P – 16206 P115 Rev D  
Proposed Street Scenes Q-Q & R-R – 16206 P116 Rev D  
Coloured Street Scenes A-A & B-B – 16206 C110 Rev D  
Coloured Street Scenes C-C & D-D – 16206 C111 Rev D  
Coloured Street Scenes E-E to G-G – 16206 C112 Rev C  
Coloured Street Scenes H-H & J-J – 16206 C113 Rev B  
Coloured Street Scenes K-K to M-M – 16206 C114 Rev B  
Coloured Street Scenes N-N & P-P – 16206 C115 Rev B  
Coloured Street Scenes Q-Q & R-R – 16206 C116 Rev B  
Affordable House types, 2 Bedroom – 16206 P120  
Affordable House types, 3 Bedroom (1 of 2) – 16206 P121  
Affordable House types, 3 Bedroom (2 of 2) – 16206 P122  
Affordable House types, 4 Bedroom – 16206 P123 Rev A  
Private 2 Bed Houses - Type 2A (1 of 2) – 16206 P130 Rev A  
Private 2 Bed Houses - Type 2A (2 of 2) - 16206 P131 Rev A  
Private 2 Bed Houses - Type 2A & 2B terrace – 16206 P132 Rev A  
Private 2 Bed Houses - Type 2B (1 of 3) – 16206 P133 Rev A  
Private 2 Bed Houses - Type 2B (2 of 3) – 16206 P134 Rev A  
Private 2 Bed Houses - Type 2B (3 of 3) – 16206 P135 Rev A  
Private 3 Bed Houses - Type 3A (1 of 2) – 16206 P136  
Private 3 Bed Houses - Type 3A (2 of 2) – 16206 P137

Private 3 Bed Houses - Type 3B (1 of 2) – 16206 P138 Rev A  
Private 3 Bed Houses - Type 3B (2 of 2) – 16206 P139 Rev B  
Private 3 Bed Houses - Type 3C (1 of 2) – 16206 P140 Rev C  
Private 3 Bed Houses - Type 3D (1 of 3) – 16206 P141  
Private 3 Bed Houses - Type 3D (2 of 3) – 16206 P142  
Private 3 Bed Houses - Type 3D (3 of 3) – 16206 P143  
Private 3 Bed Houses - Type 3D/3B (1 of 7) – 16206 P144  
Private 3 Bed Houses - Type 3D/3B (2 of 7) – 16206 P145 Rev A  
Private 3 Bed Houses - Type 3D/3B (3 of 7) – 16206 P146  
Private 3 Bed Houses - Type 3D/3B (4 of 7) – 16206 P147  
Private 3 Bed Houses - Type 3D/3B (5 of 7) – 16206 P148 Rev A  
Private 3 Bed Houses - Type 3D/3B (6 of 7) – 16206 P149 Rev A  
Private 3 Bed Houses - Type 3D/3B (7 of 7) – 16206 P150 Rev A  
Private 3 Bed Houses - Type 3E – 16206 P151 Rev B  
Private 3 Bed Houses - Type 3C (2 of 2) – 16206 P152 Rev A  
Private 3 Bed Houses - Type 3C1 – 16206 P153  
Private 4 Bed Houses - Type 4A (1 of 2) – 16206 P155  
Private 4 Bed Houses - Type 4A (2 of 2) – 16206 P156  
Private 4 Bed Houses - Type 4B (1 of 4) – 16206 P157 Rev A  
Private 4 Bed Houses - Type 4B (2 of 4) – 16206 P158 Rev A  
Private 4 Bed Houses - Type 4B (3 of 4) – 16206 P159 Rev A  
Private 4 Bed Houses - Type 4B (4 of 4) – 16206 P160 Rev B  
Private 4 Bed Houses - Type 4C – 16206 P161  
Private 4 Bed Houses - Type 4D (1 of 4) – 16206 P162  
Private 4 Bed Houses - Type 4D (2 of 4) – 16206 P163 Rev B  
Private 4 Bed Houses - Type 4D (3 of 4) – 16206 P164 Rev A  
Private 4 Bed Houses - Type 4D (4 of 4) – 16206 P165 Rev A  
Affordable apartments - Block 1 Plans (1 of 2) – 16206 P170 Rev B  
Affordable apartments - Block 1 Plans (2 of 2) – 16206 P171 Rev B  
Affordable apartments - Block 1 Elevations – 16206 P172 Rev B  
Affordable apartments - Block 2 Plans (1 of 2) – 16206 P173 Rev B  
Affordable apartments - Block 2 Plans (2 of 2) – 16206 P174 Rev B  
Affordable apartments - Block 2 Elevations – 16206 P175 Rev C  
Affordable apartments - Block 3 Plans – 16206 P176 Rev C  
Affordable apartments - Block 3 Elevations – 16206 P178 Rev B  
Affordable apartments - Block 4 Plans – 16206 P179 Rev B  
Affordable apartments - Block 4 Elevations – 16206 P180 Rev B  
Affordable apartments - Block 5 Plans – 16206 P181 Rev D  
Affordable apartments - Block 5 Elevations – 16206 P182 Rev C  
Affordable apartments - Block 6 Plans – 16206 P183 Rev C  
Affordable apartments - Block 6 Elevations – 16206 P184 Rev D  
Affordable apartments - Block 7 Plans – 16206 P185 Rev D  
Affordable apartments - Block 7 Elevations – 16206 P186 Rev C  
Affordable apartments - Block 8 Plans – 16206 P187 Rev C  
Affordable apartments - Block 8 Elevations – 16206 P188 Rev C  
Affordable apartments - Block 9 Plans – 16206 P189 Rev B  
Affordable apartments - Block 9 Elevations – 16206 P190 Rev B  
Private apartments - Block 10 Plans (1 of 2) – 16206 P191 Rev B  
Private apartments - Block 10 Plans (2 of 2) – 16206 P192 Rev B  
Private apartments - Block 10 Elevations – 16206 P193 Rev B  
Private apartments - Block 11 Plans – 16206 P194 Rev B  
Private apartments - Block 11 Elevations – 16206 P195 Rev C

2 Bedroom F.O.G - Plans & Elevations (1 of 2) – 16206 P196  
2 Bedroom F.O.G - Plans & Elevations (2 of 2) – 16206 P197 Rev A  
2 Bedroom Gate House - Plans & Elevations – 16206 P198 Rev A  
Ancillary Buildings (Garages & substation) – 16206 P199 Rev B

OSP drawings listed within the drawing issue sheet dated 5/09/2020 (CD132) (all drawings in CD1, CD50-CD130, and CD133-137)

Materials Distribution Diagram - 16206 - SK55D  
Landscape Strategy Plan – 6703.LSP.ASP5 Rev L  
Proposed Access Arrangement - Drawing 16-T114 06 Rev F  
Proposed Amendments to Church Road Northern Section (Junction with Deringwood Drive) - 16-T114 34.1  
Proposed Amendments to Church Road Section Immediately Outside Site Area - Drawing 16-T114 34.2  
Proposed Off Site Highway Improvements (1 of 4) - 14590-H-01 P1  
Proposed Off Site Highway Improvements (2 of 4) - 14590-H-02 P1  
Proposed Off Site Highway Improvements (3 of 4) - 14590-H-03 P2  
Proposed Off Site Highway Improvements (4 of 4) - 14590-H-04 P2  
Willington Street/Deringwood Drive Junction – Proposed Traffic Signals - 14195-H-01 P5  
Spot Lane Junction Potential Adjustments - 14195-H-02 P2

### *Compliance*

- 3) The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. 16206 P101 Rev U and 16206/SK55D and shall be retained and maintained thereafter.
- 4) The development shall be carried out in accordance with the hard surfaces as shown on drawing no. 16206 P105 Rev A and maintained thereafter.
- 5) All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development to which phase they relate, whichever is the sooner; and any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
- 6) Excluding the area in the southeast corner of the site adjacent to ancient woodland, the areas of open space as shown on pages 58 and 59 of the Design & Access Statement shall be maintained as publicly accessible open space in perpetuity.
- 7) The approved details of the parking/turning areas for each building shall be completed before the commencement of the use of the land or buildings to which they relate and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted

Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on parking/turning areas for each building or in such a position as to preclude vehicular access to them.

*Pre-Commencement*

- 8) The development shall be carried out in accordance with the Construction Environment Management Plan (CEMP) approved under application 21/502372/SUB.
- 9) The development shall be carried out in accordance with the ramp to provide accessibility for all users including disabled persons, wheelchairs, pushchairs and cycles at the steps to the northwest of the site along PROW KM86 approved under application 21/503538/SUB. The approved scheme shall be provided before any of the dwellings hereby permitted are first occupied and shall be retained as such thereafter.
- 10) The development shall not commence above slab level until the car park for St Nicholas Church approved under application 21/502372/SUB has been constructed and is available for use in accordance with the details approved. Once implemented the car park shall only be used in connection with use of the Church for parking purposes.
- 11) The development shall be carried out in accordance with the pedestrian/cycle routes, access points and design details approved under application 21/503538/SUB. The approved pedestrian/cycle routes shall be provided before any of the dwellings hereby permitted are first occupied and shall be retained as such thereafter.
- 12) The development shall be carried out in accordance with the Phasing Plan for the development approved under application 21/502372/SUB unless otherwise agreed in writing by the local planning authority.
- 13) The development shall be carried out in accordance with the ecological mitigation measures approved under application 21/502372/SUB.
- 14) The development shall be carried out in accordance with the detailed sustainable surface water drainage scheme approved under application 21/505011/SUB
- 15) The development shall be carried out in accordance with the sustainable surface water drainage infiltration details approved under application 21/505011/SUB.
- 16) The development shall be carried out in accordance with contaminated land details approved under application 21/502372/SUB. A Closure Report shall be submitted upon completion of the contamination/remediation works. The closure report shall include full verification details and 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 development shall be undertaken in accordance with the approved scheme.

- 17) The development shall be carried out in accordance with the archaeological details and Archaeological Excavation Report (April 2022) approved under application 21/502372/SUB.
- 18) The development shall be carried out in accordance with the Arboricultural Method Statement (AMS) approved under application 21/502372/SUB.
- 19) The development shall be carried out in accordance with the slope stability report, recommendations, sterilisation strip and details approved under application 21/503301/SUB.

*Pre-Floor Slab Level*

- 20) Unless approved under application 22/500170/SUB (which if approved the development shall be carried out in accordance with the approved details), no development above floor slab level shall take place until specific details of the landscaping proposals, which shall follow the principles shown on the Landscape Strategy Plan (drawing no. 6703 LSP ASP5 Rev L), have been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide the following:
  - a) A landscape phasing plan for the site which shall include the planting along the west boundary within the first phase.
  - b) Strengthening and replacement native hedge planting along the site frontage with Church Road.
  - c) Structural native tree and shrub planting along the site frontage with Church Road.
  - d) Retention of trees along the western boundary and new native tree and shrub planting.
  - e) Retention of trees along the southern boundary and new native tree and shrub planting.
  - f) Retention of trees along the boundaries with the property 'Squerryes Oast'
  - g) Native woodland and shrub planting to create at least a 30m buffer from the Ancient Woodland in the south east corner
  - h) Orchard planting to the south of St Nicholas Church.
  - i) Native hedge planting within the development.
  - j) LEAP and LAP details.
  - k) All proposed boundary treatments for the site beyond those approved under condition No. 3.

Landscaping shall be implemented in accordance with the approved details and programme.

- 21) Unless approved under application 21/505211/SUB (which if approved the development shall be carried out in accordance with the approved details), no development above floor slab level shall take place in any phase until full details of the ecological enhancements outlined in the Ecological Appraisal and their

delivery have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details and measures which shall include the following:

- a) Wildflower grassland
  - b) Measures to allow hedgehogs to move through the development
  - c) Bat and bird boxes
  - d) Habitat piles.
- 22) The development shall be carried out in accordance with the materials to be used in the construction of the external surfaces of the buildings approved under application 21/505661/SUB unless otherwise agreed in writing by the local planning authority.
- 23) The development shall be carried out in accordance with the architectural detailing (solder courses, bricked arches above windows, bullnose hanging tile detailing and roof overhangs) approved under application 21/505661/SUB.
- 24) The development shall be carried out in accordance with the details of the ragstone for the walling and buildings approved under application 21/505661/SUB.
- 25) The development shall be carried out in accordance with the electric vehicle charging facilities approved under application 21/505443/SUB.
- 26) Unless approved under application 22/500168/SUB (which if approved the development shall be carried out in accordance with the approved details), no development above floor slab level shall take place until a "bat sensitive lighting scheme" 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 approved scheme and these shall be maintained thereafter.
- 27) Unless approved under application 22/500298/SUB (which if approved the development shall be carried out in accordance with the approved details), no development above floor slab level for any phase shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase. The lighting provided shall be carried out in accordance with the approved scheme.
- 28) The development shall be carried out in accordance with the Public Art Delivery Plan approved under application 21/506368/SUB.



- 29) No development above floor slab level shall take place until the access points hereby permitted have been provided in accordance with drawing No. 16-T114 06 Rev F (Proposed Access Arrangement) and thereafter the visibility splays shall be kept free of obstruction above a height of 1 metre.
- 30) The development shall not commence above floor slab level 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;
  - b) 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'.

The following off-site highways works shall be provided no later than the occupation of 100 units. The development shall not be occupied beyond this point until these off-site highways works have been provided:

- c) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 14915-H01 Rev 5, or any alternative scheme agreed in writing with the local planning authority;
- 31) The development shall be carried out in accordance with the PV panels approved under application 21/504922/SUB and they shall be retained thereafter.

#### *Pre-Occupation*

- 32) The development shall not be occupied until the following off-site highways works have been provided in full:
  - a) The proposed work as shown in drawing Nos 14590 H-01 P1, 14590 H-02 P1, 14590 H-03 P2, and 14590 H-04 P2;
  - b) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the local planning authority; and
  - c) Improvements to the A20 Ashford Road/Spot Lane/Roseacre Lane junction as shown on drawing no. 14915-H-02 Rev P2, or any alternative scheme agreed in writing with the local planning authority.
- 33) Unless approved under application 22/500169/SUB (which if approved the development shall be carried out in accordance with the approved details), the development shall not be occupied until a Detailed 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 Detailed Travel Plan.
- 34) Unless approved under application 21/505211/SUB (which if approved the development shall be carried out in accordance with the approved details), 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.

- 35) The development shall be carried out in accordance with the 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 and the timing of its delivery approved under application 21/503538/SUB.
- 36) 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. No development shall be occupied until the approved scheme has been implemented.
- 37) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to and approved in writing by the local planning authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the local planning authority.

The closure report shall include details of:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology;
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site;
- c) If no contamination has been discovered during the construction works then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

