

REFERENCE NO - 18/502860/OUT

APPLICATION PROPOSAL

Variation of Conditions 5 (Surface Materials), 7 (Landscaping), 19 (Foul and Surface Water Drainage), and 31 (Approved plans) of application 14/506/738/OUT (Outline application for the erection of 100 dwellings) to allow for flexibility on open space and landscape details, include additional alterations to the listed wall at Barty House, and alter the time for the delivery of approved surface materials and drainage.

ADDRESS Barty Farm, Roundwell, Bearsted, Maidstone, Kent, ME14 4HN

**SUMMARY OF REASONS FOR RECOMMENDATION
(APPROVE SUBJECT TO LEGAL AGREEMENT AND CONDITIONS)**

- The principle of 100 houses with access off Roundwell has been accepted under an approved outline consent, and the site is allocated in the Local Plan for approximately 122 dwellings under policy H1(21).
- The proposed changes to conditions 5, 7, 19, and 31 are acceptable and comply with the site allocation policy.
- Permission is therefore recommended.

REASON FOR REFERRAL TO COMMITTEE

Councillor Cuming has requested the application be heard at Planning Committee in order to allow the residents affected by the proposed changes to address the Planning Committee.

WARD Detling & Thurnham, and Bearsted	PARISH COUNCIL Thurnham and Bearsted	APPLICANT Crabtree & Crabtree (Bearsted) Ltd & Barty Developments Ltd AGENT Dandara Ltd
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DECISION DUE DATE 31/08/18	PUBLICITY EXPIRY DATE 09/07/18
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RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
18/502850	Listed Building Consent for alterations to boundary wall, relocation of gas cabinet and provision of landscaping to facilitate improved access.	UNDER CONSIDERATION (AT THIS PLANNING COMMITTEE)	
16/506735	Listed Building application for alterations to boundary wall and provision of landscaping to facilitate improved access	APPROVED	05/04/17

15/504667	Listed Building Consent for alterations to boundary wall to facilitate improved access.	REFUSED	08/08/16
14/506738	Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed)	APPROVED	20/03/18
14/506799	Listed Building Consent - Demolition and reposition of part boundary wall.	REFUSED	12/03/15
14/506798	Demolition and reposition of part boundary wall and adjustment to the existing parking area	REFUSED	12/03/15

1.0 DESCRIPTION OF SITE

- 1.01 The application site falls within the defined urban area in the Local Plan at Bearsted located off 'Roundwell', Thurnham, east of Water Lane, and north of houses fronting on to Roundwell. The site is approximately 3.9 hectares in area currently used for sheep pasture. The southwest boundary with the rear gardens of houses has tree/hedging in places but is open to gardens other places; the northwest boundary feature large mature trees upon a steep bank down to Water Lane where there are houses including on Maillings Drive; the northeast boundary has hedging with fields and a railway line beyond; and the southeast boundary has an established hedge bordering an unmade track which serves Barty Farm.
- 1.02 The site is approximately 1km south of the Kent Downs Area of Outstanding Natural Beauty and does not fall within any special landscape designations. Bearsted Conservation Area is located around 360m west of the site boundary and Bearsted Holy Cross Church Conservation Area is located some 400m to the southwest. Barty House (currently in use as a nursing home) is a Grade II Listed early 18th Century house and is situated approximately 20m southeast of the site boundary. The land is classified as Grade 3 agricultural land.
- 1.03 The proposed access to the site is from an existing access to the south/south east corner. The access is currently used by Barty House nursing home and residential properties within the Barty Farm complex. The land rises in a north-easterly direction around 10m across the site.
- 1.04 The site is allocated in the Local Plan for approximately 122 dwellings under policy H1(21).

2.0 BACKGROUND

- 2.01 Outline permission was granted under application 14/506738/OUT for 100 houses with access via the track past Barty House onto Roundwell. This included the widening of this access through relocation of the existing listed wall at Barty House and the lowering of the wall and re-grading of the bank along the frontage of Barty House to provide visibility. Apart from the details of access, all other detailed matters were reserved for future consideration.
- 2.02 Listed building consent was also granted for the widening and works to the listed walls at Barty House for the access under application 16/506735/LBC. Amendments to this listed building consent are being sought under application 18/502850/LBC to reflect the changes proposed under this application to retain a greater extent of walling (which is also before Member's on the Committee Agenda).

3.0 PROPOSAL

- 3.01 The application proposes to alter 4 conditions (nos. 5, 7, 19, and 31) that were attached to outline permission 14/506738. The applicant considers they need to be altered in order to deliver the development.
- 3.02 The main change is in relation to condition 7 (landscaping). This condition requires a landscaping scheme and specifies a requirement for 1.05 hectares of useable open space within the site. The application seeks to remove the requirement for a specific amount on the basis that the adopted policy only seeks 0.4ha, and it is not possible to provide this amount of open space, whilst also providing for 100 houses with an acceptable design and layout. Other changes sought are to remove specific reference to the landscape buffers on the illustrative layout plan and to provide swales and balancing ponds only if they are required as part of the final SUDs scheme. This will be assessed and discussed in more detail below.
- 3.03 The change to condition 31 (which sets out the approved plans) relates to listed wall and bank along the front boundary with Barty House. Following further investigations and discussions with KCC Highways, it is now proposed that the wall and bank to the front does not need to be lowered as much as previously approved. The visibility splay requires no obstruction above a height of 1m (as opposed to 0.6m as previously proposed) and so the wall does not need to be lowered as much, and the bank does not need to be re-graded as much. It is also proposed to move the gas cabinet (which would obscure visibility) 13.5m eastwards to the side of Barty House. The separate listed building consent application 18/502850/LBC covers these changes to the frontage wall.
- 3.04 For condition 5 (surface materials) this requires approved surface details to be carried out before any houses are occupied (*my emphasis*). As some of the early houses would be occupied when ready as one would expect, the applicant states that it would not be practicably possible to complete all the surfaces across the site (as it will still be under construction). So they seek to alter the

wording to provide surfacing before occupation of the dwelling(s) to which they relate.

- 3.05 For condition 19 (foul and surface water drainage) the applicant is seeking a change to require the relevant drainage to be in place before occupation of the dwelling(s) to which they relate, as opposed to it all being in place before any occupation of the development for similar reasons as above.
- 3.06 It is important to note that under the outline application, the principle of up to 100 houses has been accepted by the Council and so this is not for consideration. It is only the changes to the specific conditions and the reason for those conditions that is being considered now. *(The outline permission is attached as an **Appendix** for information)*

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, SP20, SP23, H1, ID1, H1(21), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 9 representations received raising the following (summarised) points:

- Access not safe.
- Pedestrians crossing Roundwell dangerous.
- Dropped crossing with tactile paving would fail the Disability Discrimination Act 1995 and a Safety Audit.
- Plans are not correct.
- Recent accident on road.
- Traffic impact.
- Urbanisation.
- Lack of infrastructure.
- Inadequate screening.
- Landscape buffer to the south and west should not be reduced.
- Does not enhance setting of Barty House.
- Additional harm to setting of listed building.
- Height for visibility splay should be lower.
- Can maintenance of visibility splay be controlled by applicant.
- Loss of hedge to visibility splay.

- 1.05ha of useable open space should be provided.
- Flooding on road may be worse.
- Archaeology.

6.0 CONSULTATIONS

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

6.01 Thurnham Parish Council: No response received.

6.02 Bearsted Parish Council: Recommend refusal on the following grounds:

"Concerns for the boundary of Plots 89/90 and Magnolia House where the width of the landscape buffer is greatly reduced compared to the other properties backing onto the development. MBC Strategic Policy H1 (21) 1 states that an undeveloped section of land will be retained along the southern and western boundaries of the site, and landscape buffers will be included in these areas to protect the amenity and privacy of residents living in Water Lane and Roundwell. BPC therefore object to the revised planning applications because of concerns for the privacy of residents because of insufficient landscaping depth. BPC request that the boundary should be adjusted to afford all residents protection of privacy and should be constructed using plants/trees at an early stage of the building project so that growth is sufficiently established once the development is completed."

6.03 Conservation Officer: Raises no objections subject to conditions attached to previous permission and covering brick bonding, grade of lime mortar uses, and fabrication of the piers. Advises that the less than substantial harm would be caused to the listed wall and setting of the listed building.

6.04 MBC Parks & Leisure: Based on the policy requirement for 0.4ha of public open space would request £542.21 per dwelling for an off-site contribution towards mitigating the impact of the development for play, amenity and wildlife improvements at Bearsted Woodland Trust sit; play and amenity at Bearsted Green; sport and amenity at Elizabeth Harvie Field off Crosskeys; and allotments at Church Lane. Suggest allocation of 40% to Bearsted Woodland Trust with the remainder to Bearsted Parish Council to implement improvements as appropriate.

6.05 KCC Highways: No objections and advise that the changes to the visibility splays are necessary and acceptable.

6.06 KCC Lead Local Flood Authority: No objections and recommend maintenance and verification conditions re. the SUDs scheme.

6.07 **KCC Economic Development:** Seek the same contributions as under the original outline application apart from an increase in the secondary school contribution based on increased build costs that were calculated earlier in the year.

6.08 **NHS:** Seek the same contribution as under the original outline application.

6.09 **Historic England:** No need to consult us.

7.0 APPRAISAL

7.01 The principle of 100 houses with access via the track past Barty House onto Roundwell including widening of the access through relocation of the existing listed wall at Barty House and the lowering of the wall along the frontage of Barty House to provide visibility has been accepted. This application is concerned only with the proposed alterations to the conditions and not re-visiting the principle of residential development at the site. Section 73 of the Town and Country Planning Act 1990 states that *"the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted"*. In addition, the site is now allocated for approximately 122 houses with access from Roundwell only in the Local Plan, and there have been no changes on site since the previous approval. I will now assess each condition proposal.

Condition 7 (Landscaping)

7.02 The applicant seeks removal of the specific requirement for 1.05 hectares of 'useable' open space within the site. 'Useable' open space means spaces such as recreation grounds, village greens, parks, and playing fields. The applicant wishes not to specify an amount and leave it to negotiation on the reserved matters application but would provide at least 0.4ha as is required by policy, and potentially more.

7.03 Firstly, and most importantly, the site allocation policy requires a minimum of 0.4ha of open space within the site, which alone is considered sufficient grounds to allow a reduction in open space. However, I do consider the condition should be amended to require a minimum of 0.4ha of open space within the site in line with the site policy.

7.04 Secondly, I also consider that to provide 1.05ha of 'useable' open space would make it very difficult to achieve a high quality layout and design. I also note that the site policy seeks an undeveloped section of land along the southern and western boundaries to create landscape buffers in order to protect the amenity and privacy of residents living in Water Lane and Roundwell. Such buffers would be classed as 'natural/semi-natural' open space so again this would make it extremely difficult to achieve this with an additional 1.05ha of 'useable' open space being required.

7.05 The current condition also states that *"the landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21"*. This is only an illustrative layout and as the now adopted policy specifically requires undeveloped landscape buffers along the southern and western boundaries, I do not consider it is necessary or appropriate to require this now. The adopted policy means that the Council can ensure suitable buffers under any reserved matters. The extent of the buffers should also be considered alongside the layout of the housing development itself, and the position of existing properties and existing landscaping. The buffers on the illustrative layout are also not necessarily the most appropriate showing the largest amount to the rear of some of the houses that are furthest from the site boundary (eg Cherrybank & Annelida), and the smallest buffer next to a garden which does not have any existing landscaping (Magnolia House). This is not to say that they couldn't be as shown but this should be left to consideration at reserved matters stage where all aspects of the development are known.

7.06 The condition also requires swales and balancing ponds and the applicant is seeking a change to provide these if they are required as part of the SUDs scheme. The final scheme may not need swales or balancing ponds and so I consider it is appropriate to decide this at the reserved matters stage.

7.07 I therefore recommend amendment to condition 7 as follows (changes struck through and in bold):

7. (A) *Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides **1.05 at least 0.4 hectares** of **useable** open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.*

*(B) The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide **details of landscape buffer zones in accordance with policy H1(21) of the Local Plan of no less area than shown in the illustrative site layout on drawing no. 2527-21** and specifically address the need to provide:*

- *Reinforced and new tree belt along the southern boundary of the site.*
- *New hedgerow and tree planting along the northern boundary (M20 motorway).*
- *Tree and hedge planting throughout the site.*
- *Area of semi-natural open space along the southern boundary.*

- *Swales and balancing ponds, **if required as part of the SUDs scheme.***
- *Reinforced tree and hedgerow planting along the eastern and western boundaries.*
- *Naturalistic boundary along Water Lane*

(C) The approved scheme shall be fully implemented prior to the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

7.08 Under the previous permission no off-site contribution was sought based on 1.05ha of open space being provided on site. As this would reduce to 0.4ha an off-site contribution of £542.21 per dwelling towards mitigating the impact of the development for play, amenity and wildlife improvements at Bearsted Woodland Trust sit; play and amenity at Bearsted Green; sport and amenity at Elizabeth Harvie Field off Crosskeys; and allotments at Church Lane is now sought. This is considered to be necessary to mitigate the impact of the development and can be secured through a variation to the original section 106 agreement. I would also agree with the suggested allocation of 40% of the monies to the Bearsted Woodland Trust land and remainder to Bearsted Parish Council to implement improvements to the open spaces listed.

Condition 31 (Approved Plans)

7.09 The applicant seeks a change to the approved plans in relation to the listed wall and visibility splays along the front of Barty House. This is as a result of discussions with Kent Highways who have confirmed that visibility above a height of 1m is necessary and not 0.6m as previously proposed. This results in less removal of the listed wall so that its minimum height would be 0.99m. This also means less excavation of the land behind the wall. The existing gas cabinet would be re-located to a position close to Barty House just to the east. The new position would be adjacent to the listed building and it would be visible next to the building and so causes some harm to its setting. However, I do not consider the harm is any worse than caused by the current location and so there would be a neutral impact.

7.10 The proposals would therefore lessen the impact upon the setting of the listed building from that which the Council has already approved as more of the wall would be retained and less re-grading is proposed. However, this would still result in less than substantial harm to the setting of the listed building, which is also a view shared by the Conservation Officer who raises no objections subject to conditions. The proposals would therefore conflict with policy DM14 of the Local Plan as they would not conserve the significance of the heritage asset. The accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF

(paragraph 134). In balancing matters, it is concluded once more that the public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, now on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy, would outweigh the less than substantial harm in this case. In reaching this conclusion regard has been given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

7.11 In terms of the change to visibility height to 1m, Kent Highways have confirmed that this is appropriate for the access and that the proposed works would ensure this is provided and the splay is acceptable. They raise no objections to the proposals in terms of highway safety. As such, the plans condition will be amended to include these changes.

Condition 5 (surface materials)

7.12 This proposed change would simply allow for houses to be occupied before surface materials over the whole development are complete. The effect of the current condition means that no houses can be occupied until the whole site is essentially finished. The surface materials would be put in place as the development is built and occupied. It is entirely reasonable to allow occupations and the condition should be amended as follows:

*5. Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerbstones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority. **and** The development shall be carried out in accordance with the approved details before the first occupation of the dwellings **to which they relate** or as agreed in writing with the Local Planning Authority and maintained thereafter.*

Reason: To ensure a high quality external appearance to the development.

7.13 For condition 19 (foul and surface water drainage) the applicant is seeking a change to require the relevant drainage to be in place before occupation of the dwelling(s) to which they relate, as opposed to it all being in place before any occupation of the development. Again the effect of the current condition means that no houses can be occupied until drainage for the whole site is finished. Drainage would be in place as the development is built and occupied and it is entirely reasonable to allow occupations. I also note that condition 19 does not need to refer to surface water drainage as this is fully covered by condition 20. The condition should therefore be amended as follows:

19. The development shall not commence until details of foul ~~and surface~~ water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the **dwelling to which they relate.**
development.

Reason: In the interest of water pollution

Other Matters

- 7.14 Bearsted Parish Council has raised concerns regarding the landscape buffers along the south boundary of the site making reference to the illustrative layout. As outlined above at paragraph 7.05, it is not considered necessary or appropriate to specify that the buffer is in line with the illustrative layout plan, and I note the Parish also point out that the width of the buffer is greatly reduced in places on this plan. The extent of the buffers should be considered alongside the layout of the housing development itself, and the position of existing properties and existing landscaping at reserved matters stage. Houses along these boundaries are different distances away from the site and have different landscaping in place, and so it is appropriate that this is assessed at the reserved matters stage once the layout is known. The site policy requires an undeveloped section of land along the southern and western boundaries to create landscape buffers in order to protect the amenity and privacy of residents living in Water Lane and Roundwell.
- 7.15 Local residents have raised a number of issues many of which refer to principle issues or matters not relevant to the conditions being altered and so are not relevant to this application. Other matters raised which are not considered above relate to whether the applicant can maintain the visibility splay as they do not own the land, whether the new crossing would be DDA compliant and pass a safety audit, and accuracy of the plans. The visibility splay is within the red outline of the application site and therefore a condition can ensure that the visibility splay is maintained. Planning conditions run with the land and in the event that it is breached the Council can pursue this with the landowner. The crossings would be subject to a separate safety audit which would cover DDA compliance and Kent Highways have indicated that they would expect them to pass an audit. I am satisfied that the plans are accurate.
- 7.16 KCC have recommend maintenance and verification conditions for the surface water drainage scheme, and I consider it is appropriate to attach these additional conditions.

Section 106 Agreement

- 7.17 The original Section 106 will be applied to this permission and so will secure monies towards primary and secondary education, healthcare, railway station

improvements, community learning, libraries, youth services, and improvement to public right of way KH127 to Church Lane. As there is now a requirement for an off-site open space contribution the original section 106 agreement will need to be varied to secure this. KCC have requested additional monies towards secondary education as they re-assessed their costs earlier this year. As this application is only to vary 4 conditions and not re-visiting the principle of development the Council can only look at the reasons for these conditions and not entertain wider considerations. It is therefore not possible or reasonable to re-visit financial contributions so the monies will remain as the original s106. It important to note that this permission will not allow any more time to implement the planning permission and this will follow the same timeframe as the outline.

8.0 CONCLUSION

- 8.01 For the reasons outlined above the variation of conditions 5, 7, 19, and 31 are considered acceptable and in accordance with the site policy and Development Plan.
- 8.02 As an approval will create a new outline planning permission the full conditions are set out below as are the necessary changes to the section 106 agreement.

9.0 RECOMMENDATION:

Subject to the prior completion of a deed of variation to the legal agreement attached to permission 14/506738/OUT to provide for the Heads of Terms set out below and subject to the conditions as 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 - *(Secured through deed of variation to the legal agreement attached to permission 14/506/738/OUT)*

- Financial contribution of £542.21 per dwelling mitigating the impact of the development for play, amenity and wildlife improvements at Bearsted Woodland Trust site off Ashford Road (40% of monies); play and amenity at Bearsted Green; sport and amenity at Elizabeth Harvie Field off Crosskeys; and allotments at Church Lane.

Conditions

1. No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before 20th March 2020.

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

2. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved;

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

3. Prior to any dwelling hereby permitted being constructed to slab level written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwelling to which they relate or as agreed by the Local Planning Authority and retained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

5. Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerbstones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the dwelling to which they relate or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

6. No external lighting equipment shall be placed or erected within the site until details of such equipment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development

shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

7. (A) Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides at least 0.4 hectares of open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.

(B) The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide details of landscape buffer zones in accordance with policy H1(21) of the Local Plan and specifically address the need to provide:

- Reinforced and new tree belt along the southern boundary of the site.
- New hedgerow and tree planting along the northern boundary (M20 motorway).
- Tree and hedge planting throughout the site.
- Area of semi-natural open space along the southern boundary.
- Swales and balancing ponds, if required as part of the SUDs scheme.
- Reinforced tree and hedgerow planting along the eastern and western boundaries.
- Naturalistic boundary along Water Lane

(C) The approved scheme shall be fully implemented prior to the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner; any seeding or turfing which fails to establish or any trees or plants which, within five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

9. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations' and in strict compliance with the Draft Arboricultural Method Statement by Chartwell Tree Consultants Ltd dated 9 March 2016. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

11. Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

12. Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

13. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

14. (A) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority;

(B) In addition to 'A' above, the details shall show the provision of a LAP within the open space, how this to be equipped and accord with the provisions above. The approved details shall be fully implemented prior to 50th occupation of the residential units.

Reason: In the interests of adequate open space provision and visual amenity.

15. The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

16. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application(s) relating to the new access works, crossing of Roundwell, and gateway features on Roundwell, are agreed with the planning and highway authorities.

Full details shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried out before occupation unless otherwise agreed in writing with the Local Planning Authority.

The approved visibility splays as shown on drawing no. 475/108E shall be retained at all times and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of highway safety.

17. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In order to secure a satisfactory form of development.

18. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
 - (i) 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
 - (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, 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.

19. The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the dwelling to which they relate.

Reason: In the interest of water pollution

20. No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

21. Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and source protection zones.

23. Works shall not commence on the demolition of the wall until a method statement has been submitted providing the following information:
 - (a) confirmation that all existing bricks will be re-used where possible;
 - (b) process of demolition, materials to be used to clean up the bricks and means of storage of bricks to be re-used.

Reason: To ensure the protection and re-use of existing brick work.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

25. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable

whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of biodiversity.

26. Prior to occupation of the first dwelling a scheme for the installation of a piece of public art shall be submitted to the local planning authority for approval. The approved scheme shall be undertaken in accordance with the details and provided on site before the last unit is occupied.

Reason: In recognition of the local history in Bearsted and to provide a sense of place to the development.

27. The recommendations set out in the acoustic report by Peter Moore Acoustics ref 141101/1 shall be fully adhered to. Prior to occupation of the dwellings written evidence shall be submitted that the recommendations have been incorporated within the development.

Reason: In the interests of providing a satisfactory environment for future occupants.

28. Details of a scheme to provide sources of renewable energy including solar power and EV charging points on dwellings where feasible, shall be submitted to the Local Planning Authority with the application for approval of reserved matters and the approved details shall be implemented before the occupation of the dwelling to which they relate.

Reason: In the interests of the environment.

29. 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 re-commence 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 build then evidence to show that no contamination was discovered should be included.

Reason: In the interests of protecting future occupants from contamination.

30. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In order to ensure the impact of the construction works are minimised in the locality.

31. The development hereby permitted shall be carried out in accordance with the following approved documents:

Approved as part of this application: 2527-03 RevK (Proposed Boundary Wall), 1460/001 RevD (Landscape Plan), and 475/108E (Works to Provide Visibility Splay), 475-127A (Section through Brick Wall).

Approved as part of application 14/506738: 2527-20 RevD (Site Location Plan) and 2527-16 (Wall Demolition Plan).

Reason: To ensure the development is undertaken satisfactorily.

32. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component (including existing ordinary watercourses), and the frequency of such inspections and maintenance activities
- Details of who will undertake the above inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

33. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for an agreed catchment area in accordance with the implementation schedule 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 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; and topographical survey of 'as constructed' features.

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

Case Officer: Richard Timms