

2.5 REFERENCE NO - 19/501212/FULL		
APPLICATION PROPOSAL		
Minor material amendment to 14/501588/OUT (Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap.) to allow alterations to the configuration of 3no. off-road parking areas in front of 19 to 49 Fox Hill.		
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD		
RECOMMENDATION Grant subject to conditions and a deed of variation to the Section 106 pursuant to 14/501588/OUT		
SUMMARY OF REASONS FOR RECOMMENDATION		
The amendments would not give rise to any unacceptable harm in respect of highway safety and amenity and KCC Highways & Transportation raise no objection to the amendments proposed.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD West Downs	PARISH/TOWN COUNCIL Bapchild	APPLICANT Mrs Katherine Putnam AGENT
DECISION DUE DATE 20/06/19		PUBLICITY EXPIRY DATE 28/06/19

Planning History

14/501588/OUT

Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan). Approved: 22.12.2017.

18/505151/REM

Approval of Reserved Matters for mixed-use development relating to appearance, landscaping, layout and scale of 311 dwellings and 650sqm of neighbourhood shopping/community facilities pursuant to outline planning permission 14/501588/OUT. Pending Consideration.

19/502176/FULL

Minor Material Amendment to 14/501588/OUT (Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstreet Avenue Plan) and D119/53 (junction layout plan) - to accommodate changes to the detention basin, the ecological bunds and to show the location of the end poles for the powerlines. Pending Consideration, and Members will note the report elsewhere on this agenda.

19/502967/NMAMD

Non Material Amendment Being Alterations to Wording of Planning Conditions 9 and 12, Please See Covering Letter for Wording, Subject to 14/501588/OUT Pending Consideration.

1. DESCRIPTION OF SITE

- 1.1 The site extends to 33.4ha and lies immediately adjacent to the existing built up edge on the eastern side of Sittingbourne. The site is bounded by the A2 and existing residential units on Fox Hill to the south, Lansdowne Primary School and existing dwellings in Gladstone Drive, Salisbury Close and Peel Drive to the west, the railway line north and and Tonge conservation area to the east.
- 1.2 In terms of land levels, in broad terms the site slopes downwards from west to east, close to the A2 the site is raised above the highway making it prominent in short range views from the south. The one anomaly to the generally sloping site levels in the former brickfields which occupies part of the western area of the site. Due to previous brickearth extraction this sits approximately 2-3m lower than the adjoining part of the Stones Farm site which is demarcated by a sloping bank. As a consequence a number of the existing properties in Gladstone Drive and Salisbury Close are raised above the application site.
- 1.3 A line of well established planting is located along the western boundary and as such Lansdowne Primary School and the existing residential properties to the west are partially obscured from view. The site is crossed by two public footpaths and is easily visible from the A2 except where houses front the A2 along the western part of the site frontage. Housing opposite offers a good view across the site because it is largely set at an elevated position along the southern side of Fox Hill.
- 1.4 The site is crossed by two public footpaths, ZR191 in the eastern part of the site and ZR205 in the western part of the site.

2. PROPOSAL

- 2.1 As set out in the history section above, outline planning permission has been granted for 550-600 dwellings and up to 650sqm of neighbourhood shopping/community facilities and detailed planning permission has been granted for (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap. The applicant now wishes to amend part of the main

vehicular access to the development site from the A2. The changes are limited to the residential parking areas located to the south of the A2, which already benefits from detailed consent.

2.2 In terms of the originally-approved scheme (see drawing D119/52), there were 3 separate parking areas to the south of the A2 as follows:

1. 4x Lay-by parking in front of 45-49 Fox Hill;
2. 4x parking bays accessed from the improved access to the rear of 31-49 Fox Hill;
3. 12x parking bays and turning head (for Fire and refuse) fronting 19-33 Fox Hill.

2.3 Since the granting of planning permission under reference 14/501588/OUT there have been further meetings held between the developer and KCC Highways & Transportation. Details of this are contained in the Technical Note, submitted in support of the application. However, it was identified that there would be visibility concerns in both directions with the parking layout as originally approved. As a result, it was considered that the way in which to overcome this issue was to locate all the 20 approved spaces into one parking area to the south of the A2, as opposed to the three separate parking areas as described above.

2.4 Following the course of this application an amendment has been received which retains the 20 parking spaces in one area to the south of the A2 but reinstates the layby containing 4 parking spaces. As a result the proposal seeks an amendment to the parking layout (see drawing 180400-0001 C3) to now provide 24 parking spaces (the originally approved scheme provided 20 spaces) in two separate areas to the south of the A2.

3. PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

3.2 Conservation Area Tonge

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 10, 11 (sustainable development); 54, 55 (planning conditions); 55 (supply of housing); 92 (community needs); 96 (open space); 98 (rights of way); 118 (effective use of land); 122 (efficient use of land); 124, 127, 129 (design); 165 (sustainable drainage systems); 170 (natural and local environment).

4.2 National Planning Practice Guidance (NPPG): Design; Open space, sports and recreation facilities, public rights of way and local green space; Use of planning conditions.

4.3 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 (Delivering sustainable development in Swale); ST 2 (Development targets for jobs and homes 2014-2031); ST 3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); ST 5 (The Sittingbourne area strategy); CP 3 (Delivering a wide choice of high quality homes); CP 4 (Requiring good design); A 8 (Stones Farm,

Canterbury Road, Sittingbourne); DM6 (managing transport demand and impact); DM7 (vehicle parking); DM 8 (Affordable housing); DM 14 (General development criteria); DM 17 (Open space, sports and recreation provision); DM 19 (Sustainable design and construction) DM 21 (Water, flooding and drainage); DM 28 Biodiversity and geological conservation; DM 29 (Woodlands, trees and hedges).

5. LOCAL REPRESENTATIONS

5.1 In response to the consultation I received objections from 9 separate addresses, raising the following summarised points:

- The amendment does not provide the refuge area at the bottom of the driveway allowing two vehicles to pass when entering / leaving the driveway at the same time. This will result in vehicles reversing onto the highway if two vehicles are approaching each other in opposite directions;
- The previously approved drawing had four parking spaces allocated to the front of no.43 – 49 Fox Hill – removing these will make individuals wishing to access these properties park on the carriageway, pushing vehicles further out into the carriageway;
- The amended drawing has less vehicle spaces in the dedicated parking area;
- Visitors / delivery vehicles to existing properties in Fox Hill will have nowhere to park;
- The new properties will be given parking and not allowing parking spaces for No.s 43-49 is unfair;
- The original drawing should be adhered to;
- Vehicles exiting the access road will need to manoeuvre wider and possibly into on-coming traffic;
- The originally approved scheme gave a more residential impression due to the amount of parking spaces it served and the parking spaces were laid out in a more accessible manner.
- The layout of the proposed arrangement is more like a car park with a series of parking spaces laid out;
- The scheme as a whole will give rise to increased levels of traffic and demand on local healthcare services;
- Failure to understand how decisions can be made without consulting the people who will be affected;
- There should be a site meeting with residents;
- The development should be for 550 rather than 600 dwellings to give residents more space, more garden, more parking, proper footpaths and access to their properties to keep their wheelie bins;
- Where will the residents of the new development park?;

- Will the parking area to the south of the A2 have private access and be allocated to Fox Hill residents?;
- A new environmental survey should be carried out;
- The development has caused dust, dirt and as a result respiratory problems;
- It is difficult for local residents to enter / exit their drives.

5.2 Upon the receipt of amended drawing reinstating the layby I re-consulted with neighbours, I received a further 4 letters, 3 from the same addresses as originally responded, who raised the following summarised objections:

- The amended drawing still does not provide the residents who use the access to 31 to 49 Fox Hill with a passing place if two vehicles are using the access at the same time;
- Having all the parking spaces in a consecutive layout gives rise to harm to visual amenities;
- What is there to stop vehicles from running over the verge and turning area to use the parking area as a rat run;
- Despite the comments of KCC Highways, the light barrier has been *“included to screen the houses along Fox Hill from the light glare of vehicles approaching the new junction from the direction of the new estate and those waiting at the new traffic lights, turning left or right onto the A2.”* Low maintenance shrubs as a proposed replacement for the light barrier would take some time to establish and just because KCC are not taking on the maintenance of the barrier should not be a reason to exclude it.

5.3 I have also received a further letter from a neighbouring resident who neither explicitly states that they are objecting to or supporting the scheme, although ask that highway and flooding issues are taken into account.

6. CONSULTATIONS

6.1 **Bapchild Parish Council** state that there have been a number of applications submitted and “objects to all these applications until we have full sight of what the client intends with the overall scheme”. This letter included reference to this application.

6.2 **KCC Highways & Transportation** commented on the application in the first instance as follows:

“It is important to note that the principle of the traffic signal controlled junction has already been established through the granting of planning approval through application 14/501588/OUT. The basic layout of the proposed junction remains the same as before in respect to the arrangement of each of its arms, and the capacity of the junction to accommodate the traffic flows that were predicted at that time. Therefore, the current application does not provide the opportunity to reconsider the performance of the junction, and should only be assessing the impact of the proposed design changes from the approved scheme.”

In general, the changes from the previously approved layout relate to the redistribution of the parking spaces, and amendment of the form of bus stop serving the westbound operations. These have been prompted to some extent by the Road Safety Audit (RSA) that was undertaken as part of the Section 278 Agreement process, in order to address recommendations raised by that audit. Whilst I do not have any particular objections to the changes, I would like to provide some comments on the proposals, as I consider that not all the amendments are entirely necessary in order to address the matters raised in the RSA.

Although the RSA identified an issue with the previously approved parking layby outside numbers 43 to 49 Fox Hill, I am of the opinion that the visibility sightlines that informed this could have been drawn on an alternative alignment. In the proposed junction layout, traffic islands are included that would prevent overtaking and the likelihood of vehicles travelling in the opposing direction along the westbound carriageway. It is therefore acceptable to draw the visibility sightline to the centre of the road, rather than the carriageway edge, and this would generally have missed the layby and any obstruction caused by vehicles parked within it. In any case, it is also noted that without parking restrictions along this section, as is the case at present, vehicles will still be able to park in this location within the carriageway, and it could be argued that this would have a greater impact on visibility than if parking were accommodated within a layby instead. Although the overall amount of designated parking spaces provided by the proposed scheme is the same as the approved layout, it is likely that those spaces will be less convenient associated for numbers 43 to 49 Fox Hill, and they will continue to park on-street directly in front of these properties. Consequently, it would be advantageous if a layby was reintroduced, based on the revised position of the visibility sightline described above.

The RSA also identified the use of the westbound bus layby as a concern, and the applicant has removed this in favour of an on-carriageway bus stop, as currently exists at this location. This is considered acceptable, and the central hatching provided by the junction layout will provide the ability for traffic to pass a bus waiting at this stop, where at present this is only possible if the eastbound carriageway is clear. It is not considered that the limited number of vehicle movements associated with the proposed Fox Hill slip road will particularly conflict with the occasional bus stopped there for a short period, and visibility will not be unacceptably restricted for those vehicles.

It has always been envisaged that the 30mph speed restriction through Bapchild will be extended through the proposed junction, and I am aware that technical consideration of this has now determined that this extension should continue all the way through to the similar restriction that currently starts near Swanstree Avenue. This has been discussed with the applicant as part of the Section 278 Agreement, and it would be appropriate to reflect this on the submitted drawings. The need to relocate the 30mph and 40mph speed limit signs to the western extent of the highway works is therefore not required, and they merely need to be removed from their current positions at eastern end.”

Further to the above, amended drawings were submitted and I re-consulted with **KCC Highways & Transportation** who have commented as follows:

“Following the request made in my previous response dated 8th April 2019, I am pleased to see that the layby provision has been reinstated into the proposed scheme to reflect what residents of the adjacent properties had been expecting through the delivery of the originally approved layout. Together with the other parking spaces contained within the service road, there will be on-street parking located conveniently close to all of the existing dwellings along the stretch of Fox Hill affected by the realignment of the A2. It should also be noted that the latest drawing now provides an additional 4 parking spaces over and above what the previously approved scheme was able to offer.

I note the amended drawing has also responded to my comments regarding the speed limit, and the signage is now consistent with the proposed extension of the 30mph restriction between Bapchild and Sittingbourne to link the exiting sections together.

I am aware that some representations have been made by local residents concerning the vehicular access arrangements to the private track that serves the rear of the existing dwellings. With a distance of over 11m between the track and the carriageway, 2 vehicles could queue over this length. It is therefore considered that the proposed vehicular crossover through the new soft landscaped area represents an improvement over the existing facility, as it provides the opportunity for vehicles to stand clear of the A2 carriageway prior to entering the single width private track. At around 4.8m wide, it is also adequate for 2 vehicles to pass one another, as highway specification guidance recommends a minimum width of 4.1m for 2 cars to pass, and 4.8m to accommodate a car and an HGV. Nonetheless, through the Section 278 Agreement process to construct this road scheme, it would still be possible to widen this further if deemed beneficial.

Through my colleagues in the Agreements Team that would progress the separate technical approval of the proposed highway works, I have been made aware of the inclusion of a “light barrier” alongside the service road. I understand that this was included to screen the headlights of vehicles using the new parking spaces. This is considered unnecessary given the amount of time that vehicles are likely to be positioned there with headlights on, and that this type of issue does not normally raise concerns elsewhere. Although the drawing suggests the area where the barrier is located will be a private verge, this would actually form part of the adopted highway, and Kent County Council would not wish to take on the maintenance responsibility for the barrier. Instead, it is suggested that low maintenance shrub planting could be used. Again, this detail can be controlled and amended through the technical approval process for the S278 Agreement.

Consequently, I can confirm that I have no objection to the proposals.”

- 6.3 **Swale Clinical Commissioning Group (NHS)** request a financial contribution of £518,400 towards The Chestnuts Surgery. Further correspondence from the NHS states that “I acknowledge that no NHS contribution was secured against the original planning application (ref 14/501588/OUT) and that the letter submitted recently had not picked up that it was for a minor amendment to the original planning permission”, and

“the NHS contribution calculation is based on total number of dwellings therefore any changes in tenure do not have an impact (if an agreement was in place).”

7. APPRAISAL

- 7.1 The principle of development is established by virtue of the granting of the planning permission under ref 14/501588/OUT as set out in the history section above. Section 73 of the Town and Country Planning Act 1990 allows for conditions to be varied by way of a minor material amendment and in this case it is sought to amend condition 5 of the planning permission so that the amended details can be substituted for those originally approved.
- 7.2 Section 73 is very clear in that *“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*. As a result, the only consideration as part of this application is whether the amendments sought, as set out in the proposal section above, are acceptable.
- 7.3 I note the objections that have been received to the application and in particular the comments regarding the removal of parking spaces close to No.s 43 – 49 Fox Hill and the ability for cars to pass each and stand clear of the highway if two cars wish to use the private drive between No.s 41 and 43 Fox Hill concurrently.
- 7.4 Firstly, it is important to note that due to the comments which have been received and comments made by KCC Highways & Transportation that the scheme has been amended. This has reintroduced the layby which was included on the originally approved access drawing under ref 14/501588/OUT. As a result of this, there are now 4 additional parking spaces proposed in comparison to the previously approved layout. I am of the view that this provides spaces in a convenient location, close to No.s 43-49 Fox Hill and I note that KCC Highways & Transportation raise no objection to this. As a result I believe that this is acceptable.
- 7.5 In terms of a safe waiting area if one vehicle is exiting and one vehicle entering the private driveway simultaneously, I note that an area has been provided off the carriageway and before a vehicle would enter the driveway. In terms of this, I note the comments of KCC Highways & Transportation above who have clarified that this waiting area is large enough to accommodate two cars in a tandem arrangement and wide enough for a car and a HGV to pass clear of the carriageway. Although the change to the wider layout of the parking spaces means that there is no further refuge area to the east (where there was previously an access to some parking spaces as approved under the original drawing), I am of the view that for the above reasons this is not necessary. The proposal is a significant improvement on the current arrangement, where the private driveway immediately adjoins the footpath. On the basis of KCC Highways & Transportation’s comments I take the view that this element of the proposal is acceptable.
- 7.6 Aside from the above issues, the main alteration to the parking layout to the south side of the A2 is that there will be one entry and exit point to the east to access 20 parking spaces. As originally approved the access to the east served 12 parking spaces with a further access to the west serving 4 parking spaces. However, due to

insufficient turning space there was concern raised that vehicles using the access to the west would have to reverse back onto the carriageway from these parking spaces. As such, the new arrangement has been proposed to remove this possibility and provide enough turning space to enter and exit this area in forward gear. KCC Highways & Transportation raise no objection to this and I am of the view that this is acceptable.

- 7.7 I do note the comments regarding the visual appearance of the parking area and consider this to be of importance. Due to the width of the carriageway in this part of the site there is the possibility that if not appropriately landscaped the resulting visual appearance of hard surfacing and parked vehicles could be unduly stark. Under the originally approved scheme (ref 14/501588/OUT) that there was an approved landscape drawing for this specific part of the site, this included a scheme of tree planting. No landscaping drawings have been submitted with this application although there is in my view sufficient room to be able to provide a decent level of landscaping resulting in both visual and biodiversity benefits. As such I have imposed a separate landscaping condition in order to ensure that these details are appropriate.
- 7.8 As can be seen from the consultation section above comments from the Swale CCG (NHS) refer to a contribution for healthcare provision. In respect of this, it is firstly worth pointing out that the Section 106 Agreement attached to the original consent did not secure a healthcare contribution. The reason for this is because historically (the original consent was submitted in 2014) healthcare contributions were not requested by the CCG, or their predecessors the PCTs, in relation to planning applications. As to whether it would be reasonable to now request this contribution I firstly turn to Section 73 of the Town and Country Planning Act 1990 which states that only the conditions subject to the application should be considered. In this case, this relates to the limited alterations to the access details as set out above.
- 7.9 However, a Section 73 application does result in the issuing of a new planning permission. As a result, I have, when this situation has arisen on a separate scheme, obtained legal advice as to whether the new amounts should be requested. The advice I have received clearly sets out that unless there is a planning reason for seeking an increase in the contributions then the original contributions in the Section 106 Agreement should apply. In this case, as set out above, the alterations essentially relate to the alteration of parking spaces. I do not therefore consider it to be reasonable to request a healthcare contribution for a scheme which is limited to these amendments to the scheme. As a result, I am of the view and recommend that the original requests remain. Aside from this, there will need to be a simple variation to the Section 106 Agreement, however this will solely be required to link the terms of the original legal agreement to the amendments approved under this application.
- 7.10 In order to avoid the need for a similar variation to the Section 106 if a future Section 73 application is received where there is not a planning reason for seeking an increase in the contributions then a further clause in the Section 106 is recommended. This will negate the need for the Section 106 to be varied in future in these scenarios, tying the terms of the agreement to future amendments. The suggested clause is as follows:
- 7.11 *"If the Borough Council agrees following an application under section 73 of the 1990 Act to vary or release any condition contained in the Planning Permission or if a*

condition is varied or released following an appeal under section 78 of the 1990 Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and apply in equal terms to the new planning permission UNLESS the Borough Council in determining the application for the new planning permission (or the Secretary of State determining the section 78 appeal in relation to that application) indicates that consequential amendments are required to this Deed to reflect the impact of the section 73 application in which circumstances a separate deed under section 106 or s.106A of the 1990 Act (as the case may be) will be required to secure relevant planning obligations or other planning benefits relating to the new planning permission BUT nothing in this Deed shall in any way fetter the Borough Council's discretion in relation to the section 73 application or the determination thereof."

- 7.12 On the basis of the above reasoning, I recommend that this clause is inserted in the legal agreement, subject to my colleagues in the legal department considering the wording appropriate.
- 7.13 In terms of the conditions imposed upon the original scheme, I recommend that condition 5 is amended to reflect the amended drawings, the details of which have been discussed above. At this point it is also important to note that a separate minor material amendment application, related to the outline planning permission has been submitted under reference 19/502176/FULL and is considered elsewhere on this agenda. As a result of this, if this separate application is granted planning permission this will result in a separate decision notice being issued. Therefore, as I am recommending approval for this separate application I propose to include the amended drawing numbers related to this separate application. As such, if both schemes are approved this will allow for the approved drawings to be consistent on both decision notices. However, if only one of the applications was to be approved, there would still be a fall-back position whereby only the drawing numbers related to the scheme which had been approved were included in condition 5. This would allow for independent decision making on each application. It would also mean that a decision on one application would not be able to be issued until the outcome of both applications was known, however, I am of the view that in the circumstances this provides clarity.
- 7.14 In terms of the remainder of the conditions, a number of these have been discharged (ecological mitigation strategy; suppression of dust; measures to prevent mud on highway; parking for site personnel; and construction vehicle loading / turning area) and I have re-worded these conditions (11, 19, 20, 21 and 22) to require the details as agreed to be implemented. I also note the application for a non material amendment to alter the wording of conditions 9 and 12. This was approved under reference 19/502967/NMAMD and as such I have reflected the agreed amendments in the conditions imposed on this proposal. Further to this, details have been provided in respect of a number of other conditions attached to 14/501588/OUT, which for various reasons have not yet been discharged. As such, I have re-imposed these outstanding conditions.

8. CONCLUSION

- 8.1 As set out above, the requirement for the amendment has come about due to safety concerns with the originally approved scheme. During the course of the application a further amended drawing has been provided which has reinstated the 4 spaces in a

layby arrangement. As such, the proposal now includes 4 additional spaces in comparison to the scheme approved under reference 14/501588/OUT. I note the comments received from neighbours, however, I do not believe that any of these would warrant a reason for refusal, especially considering the comments of KCC Highways & Transportation, to which I must give significant weight. On this basis I recommend that planning permission be granted.

9. RECOMMENDATION - Grant subject to the prior completion of a deed of variation to apply the terms of the original planning obligation agreement completed in respect of permission 14/501588/OUT to the amendments approved under this planning application and the following conditions:

- (1) Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the proposed buildings within the approved housing area of the site shall be submitted to and approved by the Local Planning Authority in accordance with the approved indicative phasing plan 5257 / OPA / SK 007 Rev H before any development is commenced within that phase of development.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the 22nd December 2022.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (4) The areas shown for development as a countryside gap, landscape buffer and detention basin on the approved drawings as listed in condition (5) below, and all landscape planting so shown, shall be implemented in conjunction and in parallel with the construction of the first phase of housing development and shall be in place and ready for their intended purpose before occupation of the 200th dwelling on the site. These areas shall thereafter be reserved as public open space and no permanent development whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities and wildlife interests of the area.

- (5) The landscape buffer, design of detention basin, layout of the countryside gap, landscape planting and access arrangements for the site shall be carried out in accordance with the following approved drawings:

180400-0063 Rev P2; D119/45 Rev A; D119/47 Rev C; 180400-0001 Rev C3; D119/53; 4743-LLB-EH-XX-DR-L-0001 Rev P15; 4743-LLB-EH-E1-DR-L-0001 Rev P12; 4743-LLB-EH-E2-DR-L-0001 Rev P12; 4743-LLB-EH-E3-DR-L-0001 Rev P12; 4743-LLB-EH-E4-DR-L-0001 Rev P12; 4743-LLB-EH-E5-DR-L-0001 Rev P12; 4743-LLB-EH-E6-DR-L-0001 Rev P12; 4743-LLB-EH-E7-DR-L-0001 Rev P13; 4743-LLB-EH-XX-SH-L-0001 Rev P01.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (6) The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secured by Design'. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and safety.

- (7) The details submitted in pursuance of condition (1) above shall accord generally with the provisions of the adopted Stones Farm Development Brief Supplementary Planning Document dated 11 May 2011 and the Design and Access Statement (Revision C) dated August 2017. Proposals shall incorporate the subdivision of the site into Character Areas generally as shown in Section 5 of the Design and Access Statement and for each Character Area the details shall incorporate the design principles set out in the Summary Table of Design Principles for each Character Area, including that part related to the facilities for wheelie bin storage.

Reason: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.

- (8) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (9) Prior to the commencement of the development (save for (i) the vehicular access to A2 Fox Hill; (ii) the emergency access to Peel Drive; (iii) the landscape buffer between housing and countryside gap and (iv) the layout, planting, biodiversity enhancement and management of the countryside gap) hereby approved, full details of the method of disposal of foul water shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and in order to prevent

localised flooding; and to ensure that these details are approved before works on the relevant part of the scheme commence.

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record; and to ensure that these details are approved before works commence.

- (11) The ecological mitigation shall be carried out in accordance with the details approved under ref 18/502781/SUB.

Reasons: In the interests of conserving protected species.

- (12) No development shall take place (save for (i) the vehicular access to A2 Fox Hill; (ii) the emergency access to Peel Drive; (iii) the landscape buffer between housing and countryside gap and (iv) the layout, planting, biodiversity enhancement and management of the countryside gap) until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development; and to ensure that these details are approved before works on the relevant part of the scheme commence.

- (13) The details submitted pursuant to condition (1) shall include infrastructure - including ducting - to provide each dwelling with a broadband connection. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of ensuring that each dwelling benefits from a broadband network connection.

- (14) Adequate underground ducts shall be installed before any of the buildings

hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- (15) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To protect groundwater; and to ensure that these details are approved before works commence.

- (16) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation 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.

Reason: To ensure any contaminated land is adequately dealt with.

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

Reason: To protect groundwater quality.

- (18) No infiltration of surface water drainage into the ground at the site 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 groundwater quality.

- (19) The measures to suppress dust shall be carried out in accordance with the details agreed under ref 19/501822/SUB and shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reason: In the interests of residential amenity.

- (20) Adequate precautions as agreed under ref 19/501822/SUB shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway and the agreed details shall then be retained throughout the development.

Reason: In the interests of amenity and road safety.

- (21) Details of parking for site personnel / operatives / visitors shall be provided as agreed under ref 19/501822/SUB. Such off-street facilities shall first be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the relevant phase of the development. No construction traffic shall park on the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any housing after the landscape buffer/countryside gap/detention basin area have been laid out and landscaped.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents; and to ensure that these details are approved before works commence.

- (22) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site within the area intended for house building as agreed under ref 19/501822/SUB. No construction traffic shall use the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any housing after the landscape buffer/countryside gap/detention basin areas have been laid out and landscaped.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (23) The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (24) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (25) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- (26) Before the first occupation of any dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(1) highway drainage, including off-site works,

(2) junction visibility splays,

(3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- (27) No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Reason: In the interests of biodiversity.

- (28) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700 hours unless in association with an emergency

or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (29) No works or ancillary operations in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority. Deliveries to the site and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of residential amenity.

- (30) Upon completion of the approved landscaping planting, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

- (31) Prior to the first occupation of the first dwelling on the development alterations to the traffic signal detector loops at the Swanstree Avenue junction, generally as shown on drawing D119/53 shall be installed and completed.

Reason: In the interests of highway safety and convenience.

- (32) Within 3 months of the date of this decision, details shall be submitted to and approved in writing by the Local Planning Authority showing the soft landscaping details to be provided on the southern side of the A2. These details shall include planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate and an implementation programme.

Reason: In the interests of visual amenities and biodiversity.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

