

2.6 REFERENCE NO - 19/502176/FULL		
APPLICATION PROPOSAL		
<p>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 (Swanstree 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.</p>		
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD		
RECOMMENDATION Grant subject to the conditions below and a deed of variation to the Section 106 pursuant to 14/501588/OUT		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The amendments proposed would not give rise to any unacceptable impacts upon surface water drainage or biodiversity and no objection is raised from statutory consultees. In addition I believe that the proposal preserves the character of the conservation area.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD West Downs	PARISH/TOWN COUNCIL Bapchild	APPLICANT Mrs Katherine Putnam AGENT
DECISION DUE DATE 10/09/19	PUBLICITY EXPIRY DATE 24/07/19	

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.

19/501212/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.) to allow alterations to the configuration of 3no. off-road parking areas in front of 19 to 49 Fox Hill.

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.

Approved: 21.10.2019

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 to the north 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 is 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 scheme which benefits from detailed consent, these alterations can be summarised as follows:

- Changes to the shape and design of the detention basin – When the original scheme (14/501588/OUT) was dealt with KCC were not the Lead Local Flood Authority. Since this time, they have taken on this role and this has led to the surface water drainage strategy being reviewed. This has led to a requirement for amendments to the detention basin. The detention basin will remain in the same location (in the eastern part of the countryside gap) and be of the same dimensions (approximately 270m x 70m). The changes which are outlined in the Technical Note are as follows: the re-siting of the outlet to allow a longer flow length; additional riprap berms constructed across the basin to slow the flow of surface water and to alter the elevation drop into the basin to slow the velocity of water entering the basin to control erosion and disturbance.

- Changes to the ecological bunds to be constructed as hibernacula with materials – logs, stumps rotten wood - collected from the site clearance process including the original pear orchard. These are to be retained and used on site, covered with topsoil and finished with grass seed. There are to be 19 hibernacula located around the perimeter of the countryside gap.

2.2 As a result of this the application seeks to amend the approved drawing condition (condition 5) imposed on 14/501588/OUT, by substituting the relevant drawing numbers originally approved with the drawing numbers showing the above details.

2.3 Further to the above, the application also seeks permission for the location of 3 overhead powerline poles. These details have been required to be submitted due to the following condition imposed on 14/501588/OUT:

“(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.”

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

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); 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 I have received one letter from a neighbouring resident who neither explicitly states that they are objecting to or supporting the scheme, although they 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. In separate correspondence the Parish Council note the comments of the CCG (as included below) and *“requests that proper access and medical facilities are provided before occupation of any dwellings at this location and if possible a new medical facility is built as part of the overall Stones Farm scheme.”*
- 6.2 **Lead Local Flood Authority (KCC)** comment that they have *“reviewed the submitted information and have no objection to the alterations to the proposed detention basin.”*
- 6.3 **KCC Ecology** initially commented stating *“We have reviewed the Planting Plans (1 to 8) which has been submitted and we advise that we are generally satisfied with the information provided. However, we advise that we need clarifications on the following points:*

The Plan states the location of hibernaculas and log piles, however we could not locate any bird and bat boxes. We are aware that some will be set up only once trees are mature however we would expect some to be installed on site on already existing mature trees. Please provide an updated Planting Plan Overview with the location of bird and bat boxes.

The reptile receptor area is noted as “proposed temporary ecology area”. There is a need to ensure the receptor site is to be maintained appropriately and retained in the future to ensure the reptile population can thrive in time and disperse into adjacent

habitat. We are questioning why this area is not noted as to be retained permanently and managed appropriately.”

Further to the above, additional information was provided by the agent and I re-consulted **KCC Ecology** on this basis. I have received the following response:

“Ideally it would be preferable if the plans submitted with this plan clearly demonstrated the locations of the bat and bird boxes. However (pdf) page 28 within the attached document [this document is the wildlife mitigation plan submitted under discharge of condition application 18/502781/SUB] clearly shows the locations of the bat and bird boxes (including integrated bat boxes) therefore we accept that on this occasion the planting plans do not need to be updated. We advise that the integrated bat boxes must be incorporated in to the buildings during construction process and the bat and bird boxes must be erected within the site as soon as they will not be damaged/disturbed by construction works.

The below email has confirmed what the wording temporary receptor site means therefore we are satisfied that the area will be retained within the country park in perpetuity.

We advise that the below information has resolved the comments made on the 4th July.”

6.4 **Southern Water** *“has no comments with regards to the minor material amendment to 14/501588/OUT.”*

Southern Water’s response goes on to set out that they have undertaken a desk study of the impact that additional foul sewerage flows from the proposed development will have upon the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme. As a result of this, a further condition has been recommended which seeks to align occupation of the development with the delivery of sewerage network reinforcement.

6.5 **Environment Agency** state that *“We have reviewed the updated plans and have no objection to the proposal. The minor amendments indicate that surface water flows will be controlled at relevant rates and fed to an attenuation basin and off-site to a surface watercourse. We have no further comments therefore, as proposals do not include infiltration drainage into the SPZ1 and underlying chalk aquifer.”*

6.6 **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).”*

6.7 **Swale Footpaths Group** state that they have no further comments to add.

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 firstly amend condition 5 of the planning permission so that the amended details can be substituted for those originally approved. Secondly, due to the requirements of condition 14 of 14/501588/OUT (reproduced above) planning permission is also sought for the location of three overhead powerline poles.
- 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 Firstly, in terms of the changes to the attenuation basin, this has been developed through further discussions between the applicant and the Lead Local Flood Authority (KCC). The changes will allow for the attenuation basin to be sufficiently designed to receive the surface water from the entirety of the site. As can be seen from the consultations section above, KCC raise no objection to the proposal and as such I consider that the changes to attenuation pond will serve its purpose in respect of surface water drainage. As a result I consider this amendment to be acceptable.
- 7.4 In terms of the ecological bunds, as can be seen from the consultation section above, I have consulted with KCC Ecology. Although they considered that the principle of what was being proposed was acceptable, they were seeking some points of clarification in respect of bird and bat boxes and clarification on the ‘proposed temporary ecology area’.
- 7.5 As a result of this the agent has provided the following responses:
- “As you are aware Condition 11 (reference: 18/502781/SUB) pursuant to 14/501588/OUT was formally approved on the 14 August 2018, agreeing with ecological strategy in respect of the breeding birds and bats (where bat tubes are to be incorporated into as many new houses as possible along the tree line buffer on the eastern edge of the development; and to provide a range of bat and bird boxes), and the receptor site which has been implemented as agreed, i.e. as a “proposed temporary ecology area” because the ecology fencing forming it will in due course be removed to allow the reptiles to spread out into the whole of the country park, once this has been completed and to the necessary standard. We have also proposed additional ecology bunding within the country park which will help support and enhance population(s), as part of one the S73 planning applications yet to be determined.”*
- 7.6 Although a separate matter from the ecological bunds, for clarity, there are 6 locations for bird boxes and 4 locations for bat boxes to be located in landscaped areas of both the residential parcels and the countryside gap. In addition to this, the bat tubes are to be located on buildings in the eastern part of the site. However, the detailed layout for

the part of the site whereby these will be located will form part of a future reserved matters application.

- 7.7 After receiving this clarification, KCC Ecology has commented that the above comments have resolved the queries. As a result I am of the view that the ecological bunds are acceptable in terms of their impact upon biodiversity.
- 7.8 The remaining element of the application seeks permission for the location of three overhead powerline poles to be located within the countryside gap which comprises the eastern part of the site. One of the poles will be located in the north eastern part of the site, close to the edge of the site boundary whilst the other two will be in the south eastern corner of the site, to the rear of the private amenity space of No.s 29 and 31 The Street.
- 7.9 The two poles in the south eastern corner of the site will lie approximately 5m and 15m from the boundary of Tonge conservation area. The Council has a statutory duty to preserve or enhance the conservation which will be required to be assessed as part of this application.
- 7.10 In assessing this impact I have considered it necessary to obtain further information from the agent in respect of the visual appearance of the poles. These have subsequently been confirmed as being approximately 7m in height and constructed from timber. I consider this to be an appropriate material and do not believe that two 7m high poles would be significantly out of keeping in this area. I do note that the poles will be located in a landscaped area of the site with woodland tree planting. As a result I am of the view that the impact upon the conservation area would be extremely limited and predominately the character of the area would be of a landscaped parcel of open space. As such I consider that the proposal would preserve the setting of this designated heritage asset.
- 7.11 In respect of the remaining pole in the northern part of the countryside gap, this will be approximately 80m from the conservation area and as such I do not believe that there will be any serious impact in terms of impacting upon its setting. The pole will be located in a landscaped area and I am of the opinion that 1 pole in this location will not give rise to unacceptable harm in respect of the impact upon visual amenities. I do note that the height of the poles have been described as being approximately 7m. As such, to ensure that their visual appearance is controlled I have recommended a condition which requires details to be provided so that their precise scale can be controlled. For the above reasons I am of the view that the 3 poles proposed are acceptable.
- 7.12 As can be seen from the consultation section above comments from both Bapchild Parish Council and 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 application was submitted in 2014) healthcare contributions were not sought 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 detention basin, the ecological bunds and the erection of 3 timber poles.

- 7.13 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 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 relate to the detention basin, ecological bunds and timber poles. 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.
- 7.14 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:
- 7.15 *“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.”*
- 7.16 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.
- 7.17 I also note the comments from Southern Water and although they confirm they have no comments to make in respect of this application they request an additional condition. In relation to this, I again turn to Section 73 of the Town and Country Planning Act which sets out that only the conditions subject to the application should be considered. I also note that foul drainage is a separate matter and subject to a separate condition imposed on 14/501588/OUT. In any case, the condition they refer to - the requirement for the development to align with the delivery by Southern Water of any sewerage network reinforcement required - would fail to meet the test of being relevant to planning. This would be a matter solely between the developer and

Southern Water and dealt with outside of the planning process, for that reason I have not recommended this condition.

- 7.18 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 19/501212/FULL. 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. Therefore if both schemes are approved this will allow for the decision notices to be consistent. However, if only one of the applications were to be approved, there would still be a fallback position whereby only the drawing numbers which had been approved were included on the decision notice. 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.
- 7.19 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 Based upon the appraisal as set out above I am of the view that the amendments sought to the detention basin, ecological bunds and the erection of 3 timber poles are acceptable. On this basis I recommend that planning permission is 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) Elevations of the 3 overhead powerline poles shall be submitted to and approved in writing by the Local Planning Authority. The poles shall then be erected in accordance with the approved details and shall be constructed from timber.

Reason: In the interests of visual amenity and to preserve the character of the conservation area.

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.

