

2.11 REFERENCE NO - 14/501588/OUT			
APPLICATION PROPOSAL			
<p>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 650m² 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 D (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan).</p>			
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD			
RECOMMENDATION			
<p>Grant of outline planning permission for housing development and full permission for countryside gap and access arrangements; SUBJECT TO: a Section 106 Agreement for;</p> <ul style="list-style-type: none"> • Affordable housing, with review process after 3 years • Developer contributions regarding education and other community facilities • A 650sq m area for the provision of a neighbourhood shopping/community facility within phase 1 of the scheme safeguarded until occupation of the 500th dwelling • Provision of wheelie bins • Strategic Mitigation payment at reduced rate of 63% of the standard tariff • Public transport enhancement and travel plan implementation (£250,000) • Off site playing pitch contribution • Commuted sums for maintenance of the countryside gap, landscape buffer and detention basin, and for local play areas • Ownership and management of the countryside gap • Construction of link and drop-off area, and footpath link at Lansdowne School • Provision of drop-off area within the development site if the school parking area is not implemented • Broadband provision to all dwellings, electric charging points to all suitable dwellings • Commitment to the Considerate Constructors Scheme • Funding of Traffic Order and its implementation if successful at Swanstree Avenue junction • Index linking of contributions, and • An administration charge 			
REASON FOR REFERRAL TO COMMITTEE			
For Members' consideration of the revised highway arrangements			
WARD West Downs	PARISH/TOWN Bapchild	COUNCIL	APPLICANT G H Dean & Co.Ltd. AGENT Mr Paul Sharpe
DECISION DUE DATE 31/07/2016	PUBLICITY EXPIRY DATE 24/02/2016		

1.0 Introduction

- 1.01 Members may recall that this application was considered at the Planning Committee meeting held on 11 February 2016, the minutes of which read as follows;

“The Area Planning Officer drew Members’ attention to the tabled paper which provided an update to two main issues outstanding in the recommendation on page 66 of the report, namely KCC Highways & Transportation, and Natural England, together with the applicant’s comments. He particularly drew attention to items 10 and 12 on the tabled paper and also referred to page 66 in the report and explained that the monitoring fee was not a generic figure, but negotiated with the applicant. The Area Planning Officer sought delegation to approve the application, subject to the resolution of issues raised in the tabled papers and a suitably worded Section 106 agreement.

Mr Paul Sharpe, the Agent, spoke in support of the application. The Chairman moved the officer recommendation to approve the application and this was seconded.

Councillor Mike Henderson moved seven amendments to the application, as below and these were seconded by Councillor Mark Ellen.

1. 30% provision of affordable housing to be strongly maintained in the Section 106 agreement. The development proposals always accepted this figure. The developer should not be allowed to put in a clause that viability should be subject to annual review.
2. As suggested earlier in discussions on this development there should be insistence on a site-wide system for domestic rubbish providing a number of central points for underground storage of rubbish to avoid the requirement for 1200 or more wheelie bins.
3. The provision of 15 hectares of open space should allow Special Protection Area mitigation payment to be reduced from the full figure of £223 per home but a contribution of at least 50% of the mitigation payment should be made.
4. Work should continue to achieve the best possible highways solution regarding provision of the maximum flow along the A2 and an adequate entry and exit from the development site and acceptable parking provision for existing residents at Fox Hill. [My underlining for emphasis]
5. Must resolve the issue of footpath ZR205 to the satisfaction of KCC.
6. The main part of the development is currently an outline application. It should be agreed at this outline stage that there will be an overall detailed application covering the whole site even if the site is to be developed by several developers. This is especially important in regard to domestic rubbish, car parking and garaging, housing density and housing height on the most elevated part of the site. Strengthen condition (7) defining use of Masterplan, providing overall layout.
7. The Section 106 agreement and the highways issues should be delegated to officers in consultation with the Planning Committee Chairman and the Ward Councillor.

The Ward Member spoke against the application and stated she wanted to see the best possible design and access to the site. She raised the following points: needed to avoid wheelie bins/food bins being positioned outside houses; garages and parking spaces to be close to properties; the use of underground refuse systems, rather than wheelie bins, as on page 98 of the report to avoid negative visual impact; there was not sufficient medical provision to serve the development; pressure on existing schools; provision of school places was needed for both primary and secondary; and specific details were required for mitigation measures for wildlife, specifically badgers.

Members considered the application and made the following comments: technically this was in the countryside so affordable housing should be 40%, but satisfied with 30%; open-space mitigation payment should be at least 50%; the KCC Highways & Transportation issues needed to be resolved; bin stores did not work well; concerned with planned drop-off point within Lansdowne School; this was an opportunity to address parking issues within the development; a drop-off point within the development was necessary; BeckettsSpring needed to be taken into account; concern that the countryside gap was not protected by the Local Plan; this development was an erosion of the gap between Murston and Bapchildand would kill-off village identity; not happy to delegate, especially with regard to exit/egress; and want to be kept informed stage-by-stage.

The Area Planning Officer advised that it was the intention that the Borough Council or Parish Council would own the countryside gap. In response to a question, the Area Planning Officer explained that the Northern Relief Road was not part of this development.

The Chairman went through the seven amendments and Members agreed, as minuted below.

Amendment 1:

Agreed

Amendment 2:

Agreed

Amendment 3:

Agreed

Amendment 4:

Not delegated to officers; these highways issues would come back to be determined by the Planning Committee. [My underlining for emphasis]

Amendment 5:

Agreed

Amendment 6:

Agreed

Amendment 7:

Agreed the Section 106, but not the highways issues, re Amendment 4 above. In addition, the Section 106 Agreement should make provision for school visitor parking within the development site should plans for parking within the school grounds not be approved.

The application delegated to officers to approve, subject to the above amendments, except for Amendment 4.

Resolved: That application 14/501588/OUT be delegated to officers to approve subject to the amendments as noted above, the signing of a suitably worded Section 106 agreement and to conditions (1) to (31) in the report.

- 1.02 This report simply updates Members on the matters outstanding under Amendment 4 and seeks their agreement to the solutions reached in respect of them.

2.0 PROGRESS

- 2.01 Since the February meeting I have met the applicant's agent along with The Chairman, the Ward Member and with Councillor Henderson who raised the amendments. Agreement has been reached on how to proceed on the agreed amendments except Amendment 4 which is to do with highway matters. However, the applicants have also continued to work with Kent Highways to investigate the capacity of the Swanstree Avenue traffic lights junction, and to address residents parking concerns at the proposed site entrance on Fox Hill, which are the matters the subject of this report.

- 2.02 The situation now in respect of highway matters (Amendment 4) is that it has been revealed that the computer controlled traffic light system at Swanstree Avenue, although installed, is not operative because on street car parking close to the junction is affecting the buried traffic loops and giving false traffic readings. Hence the design capacity of the system is currently not being fully utilised. However, it has been agreed between the parties that if the system were to be operating properly the junction could operate satisfactorily even with traffic expected from this development

- 2.03 The agreed solution is two-fold. Firstly, the loops can be re-positioned away from parked cars where waiting restriction apply. This can be achieved by a negatively worded planning condition. Secondly, the applicants agree to fund the making and, if successful, implementation of a traffic order elongating the current waiting restrictions. The latter is not guaranteed, but the former can be put in place at an early date. If the traffic order is not successful the traffic lights are still expected to operate to an acceptable standard sufficient to allow the development to go ahead if the traffic loops are re-positioned.

- 2.04 The applicants have agreed both to a suitable planning condition (see below) and to fund the traffic order via the Section 106 Agreement which is currently being negotiated. I hope that Members will wish to accept these methods of addressing the problem.

- 2.05 The other matter that Members wanted to consider further was that of parking at Fox Hill. Members may recall that four houses opposite the junction have no direct access to the A2 Fox Hill, and that unless parked at the rear of the property via a narrow shared alleyway any residents or visitors parking to the front would obstruct the free flow of traffic, or be tempted to park partly on the pavement. Proposals thus far had indicated a shared parking area outside other adjacent properties which would not have been very convenient for the four houses concerned. However, an amended access layout drawing has now been submitted which shows four parking spaces in a parallel parking lay-by outside these houses providing convenient parking space for them. Kent Highways have seen and agreed this idea.

3.0 BACKGROUND PAPERS AND PLANS

- 3.01 All papers and plans submitted with application 14/501588/OUT – which is attached as an Appendix to this report.

4.0 CONCLUSION

- 4.01 I am pleased to be able to say that the matters Members wanted to consider further have been addressed by the applicants in conjunction with Kent Highways and that

agreed solutions have been reached. To enact them requires only for the Committee to add to its previous resolution the additional condition (condition 33 below) and to authorise the inclusion of an obligation to fund an appropriate traffic order to the Section 106 Agreement.

5.0 RECOMMENDATION

- 5.01 I recommend that Members resolve that the application can now be approved subject to the following conditions (which have been slightly updated since the February meeting) and the inclusion of an obligation to fund an appropriate traffic order to the Section 106 Agreement as already authorised. Please note that conditions 11 and 12 are still under discussion and I will report further at the meeting.

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 phasing schedule 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 expiration of five years beginning with the date of the grant of outline planning permission.

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:

D119/40RevF, D119/45RevA, D119/47RevC, D119/52, D119/53, 1930_DR_100RevA, 1930_DR_007RevJ, 1930_DR_011RevH, 1930_DR_012RevH, 1930_DR_013RevH, 1930_DR_014RevH, 1930_DR_015RevH, 1930_DR_016RevH, 1930_DR_017RevH, and 1930_DR_018RevH,

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 (as amended in June 2015 and 2016). 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 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 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) No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and the future retention and protection (or, subject to adequate evidence of need and of measures to re-locate the badgers closure) of the badger sett within the site has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed, reptile and badger surveys carried out in accordance with good practice guidelines;
 - c) Extent and location of proposed works (including identification of receptor sites) shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In the interests of conserving protected species; and to ensure that these details are approved before works commence.

- (12) No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation for the impacts to badgers and their setts has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works, demonstrating that the mitigation hierarchy has been followed;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed, up-to-date badger surveys carried out in accordance with good practice guidelines;
 - c) Extent and location of proposed works (including identification of receptor sites if necessary) shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Reasons: In the interests of conserving protected species; and to ensure that these details are approved before works commence.

- (13) No development shall take place 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 commence.

- (14) 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.

- (15) 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.

- (16) 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.

- (17) 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.

- (18) 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.

- (19) 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.

- (20) No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved by the Local Planning Authority. The measures 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; and to ensure that these details are approved before works commence.

- (21) As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall then be retained throughout the development.

Reason: In the interests of amenity and road safety.

- (22) Prior to the works commencing on site, details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement 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 houses.

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.

- (23) 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. No construction traffic shall use the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any houses.

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

- (24) 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.

- (25) 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.

- (26) 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.

- (27) 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

- (28) 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.

- (29) 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.

- (30) 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.

- (31) 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.

- (32) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater which is a controlled water

- (33) Prior to the first occupation of 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

Council's approach to the application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally acceptable and in accordance with the provisions of the Development Plan and the NPPF, and a Section 106 Agreement was intended to provide safeguards not possible under planning conditions.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.