

- a) **DOV/19/00642 - Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access) – Site at Cross Road, Deal**

Reason for report – Deferred from Planning Committee meeting on 13 February 2020

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and S106 agreement.

- c) **Planning Policies and Guidance**

Please refer to report attached as an annex.

- d) **Relevant Planning History**

Please refer to report attached as an annex.

- e) **Consultee and Third-Party Representations**

Please refer to report attached as an annex.

Additional comments since last agenda.

KCC Highways: I refer to the Coldblow Level Crossing Impact Assessment submitted on 21st May and concur that in highway terms, the development proposals are unlikely to generate a material increase in use of Coldblow and the crossing or have a material impact on the highway in relation to rail replacement bus services.

The British Horse Society: No response

Network Rail: As part of our licence to operate and manage Britain's railway infrastructure, Network Rail have the legal duty to protect rail passengers, the public, the railway workforce, and to reduce risk at our level crossings so far as is reasonably practicable. Following an internal consultation, Network Rail's level crossing team have raised concerns regarding the impact of the proposed development on Coldblow User-Worked level crossing (hereinafter referred to as "Coldblow level crossing").

Coldblow Level Crossing is a User-Worked type crossing and therefore reliance is placed on the user (member of public) opening the gates when it is safe to do so, which on this crossing is indicated by a green light. The user then traverses the crossing and closes the gates behind them.

However, the user may not always be aware of the dangers and as a result misuse does occur. Recently a near miss occurred when numerous drivers chose to use Coldblow level crossing to bypass roadworks on Dover Road but failed to close the gates behind them. This led to trains being cautioned (slowed) over the crossing until a railway employee attended to close the gates. Not only was there a risk from vehicles driving straight onto the railway whilst a train is approaching but children and animals also had direct access to the operational railway. This highlights when traffic issues occur on Station Road or Dover Road it results in the level crossing becoming a "rat run" for drivers.

The introduction of this up to 100 dwelling development is likely to generate more traffic in the area, a proportion of which will choose to use the level crossing. Any increase in the usage of the level crossing results in an increasing of the risk and increase the risk of misuse.

The proposed road improvements on Station Road may also increase the likelihood of vehicle drivers choosing to use the level crossing if it results in a build up in traffic. Network Rail are also keen to understand how the improvements will interact with traffic as well as the rail replacement buses which may affect the ability of the bus to stop where it does currently.

Network Rail's initial assessment was undertaken using the information currently provided within this planning application. The information does not include any assessment of the impact on Coldblow level crossing, as a result, Network Rail requires the applicant to prepare a 'Level Crossing Impact Assessment' which contains information such as the predicted vehicular and pedestrian trips made across Coldblow level crossing from the proposed development.

As a result of our concerns outlined above, Network Rail would like to place a holding objection until information is provided to enable Network Rail to carry out a full assessment and identify any mitigation that may be required. Any assessment provided to Network Rail would need to factor in the effects of the proposed road improvements on Station Road.

Revised comments following submission of additional information: Network Rail have now reviewed the LCIA and would like to make the following comments.

Network Rail believe the Census 2011 data used within the LCIA does not provide a true reflection of the local population. It is understood there is ongoing housing construction within the area post 2013 with one example being the 223-dwelling development off Station Road. It appears from our records Network Rail were not consulted on the Station Road planning application and as a result did not make any representations. It is worth noting however, Network Rail would have raised similar level crossing impact comments.

The cumulative impact of this Cross Road development, as well as those not included within the LCIA may therefore have an impact on traffic within the local area and in particular the morning and evening peak commute traffic. As a result, residents may choose alternative less congested routes such as the route over Cold Blow level crossing.

Network Rail also question the route used to compare journeys shown on Figure 5 within the LCIA. Residents may continue to Ringwould rather than turn left when driving away from the crossing and go back on themselves.

As a result of the points made above, Network Rail would question the findings of the LCIA i.e. no additional car-based and 4 additional pedestrian/cycle-based trips are forecast.

The most appropriate option currently available to reduce the risk at Cold blow level crossing is an upgrade to a Manually-Controlled Barrier type level crossing which would cost in the region of £3-5m. This upgrade would remove the need for the public to manually open the gates.

However, given the substantial monies required, Network Rail are in the view that this development does not significantly impact the level crossing alone to justify contributing the total amount required to upgrade the crossing. This request would be unfair and unreasonable in terms of the development's scale, type and location, therefore, not meeting the planning obligation tests.

As a result, Network Rail are keen to discuss with Dover District Council other funding options available to mitigate the risk imported to Network Rail by the cumulative impact of new developments within the area. Network Rail are aware that Dover District Council does not currently have a Community Infrastructure Levy charging schedule but would like to suggest a meeting to explore other options.

Clarification Response: Network Rail previously requested a Level Crossing Impact Assessment is undertaken to identify whether the proposed development at Cross Road, Deal would present an unacceptable risk to Coldblow User-Worked level crossing.

Following review of the LCIA by Network Rail's Level Crossing team, Network Rail raised issue with the data used within the LCIA to which the applicant has provided satisfactory justification for this within a letter to Network Rail sent on 09/06/2020. As a result, Network Rail recommends no objection to the proposals.

Third Party Representations - A total of 156 representations have been received objecting to the proposal (155 Objections and 1 Support). The following is a summary of the objections received since 13 February Planning Committee Agenda and those reported verbally at the meeting.

A further 58 representations of objection have been received since 13 February. Some of these are from the same authors or are follow up comments. (The total number of individual addresses is identified as 136 on our record system). Below is a summary of the additional planning related comments received to date:

- Drivers take short cuts and this is not considered in the Transport Statement
- Proposed footpath along Station Road is too narrow and not safe
- Impact of the increase in users on the manual level crossing and safety concerns
- Changes to the highway are inadequate
- Area is not suitable for development
- Impact on existing junctions not fully considered
- Traffic figures identified are incorrect
- The development is not sustainable, not needed and will have a detrimental effect on the existing community
- Central government advice should not be taken into consideration as its not sustainable
- Deal can't cope with more traffic development will cause unacceptable levels of congestion
- Local services can't manage greater increases in demand
- Double yellow lines are ignored
- Drivers drive too fast, take no notice of signs or measures to slow traffic
- No pedestrian crossings proposed
- How are construction vehicles going to gain access to the site, roads are too narrow
- In a high flood risk area, known to flood
- The environment and agricultural land should be protected
- DM1 is still relevant and the policy position is being misinterpreted
- Large lorries already get stuck
- Are road works intended to take place before houses are constructed
- Effect on an existing business – riding school
- Traffic data is out of date
- How does this development address carbon emissions – does not comply with para. 148 of the NPPF
- Consultants need to visit a site or can't consider their evidence or opinion
- The professional opinion has a high number of errors
- Insufficient consideration has been given to the riding school business
- An adjacent building site is a high risk to riders and horses at the riding school
- There will be continuous construction noise for years
- Riding school business would no longer be able to operate
- The professional opinion has not taken into account the proposed road works
- Landscaping should be implemented pre-construction

- There will be harm and stress caused to the horses
- Development will cause additional pollution, it is not sustainable
- An electric sub-station is proposed near residential properties this is not acceptable
- There is no access to Sydney Road from the site, this is a private means of access and is privately owned and maintained.
- HGV's and construction traffic accessing from the north (Cross Road) only is not safe in highway terms, road is largely single lane and there are already severe problems on this road and associated junctions
- The proposal will cause safety issues at Coldblow level crossing and increase traffic using the manual level crossing
- Works to Station Road will take longer than 4 weeks and cause more congestion
- All landscape buffer works to the southern boundary should be completed prior to construction
- How will access be maintained to residential properties during the road works
- Why were Network Rail comments not sought at the outset
- DDC need to consider the health and safety implications on Coldblow level crossing in close proximity to the site
- Using Cross Road, with the tight junctions at Mill Hill will make restricted access problems even worse and HGV's turning a hazard for all
- Drainage hasn't been addressed
- Traffic along Cross Road is already an issue due to the high number of parked cars
- The noise and vibration from construction traffic
- Parked cars will get damaged as Cross Road isn't wide enough for passing cars
- Construction traffic will affect residents and pedestrians and their health and safety, there are serious implications and pollution concerns
- HGV's already have to mount pavements in Cross Road to get access and at most existing junctions
- Cross Road should be one way only
- Where will construction workers park?
- How will all the additional traffic be accommodated?
- Crossing Cross Road is already hazardous, especially for children accessing schools
- There isn't space for residents to park cars on their properties
- Nobody in the local area wants this development the application has been discussed many times and should be refused, existing residents are not being listened to
- Access for emergency vehicles will be even further restricted
- Cross Road is currently not wide enough for a bus
- Why do residents have to put up with this distribution and stress
- Traffic accidents and damage will occur due to construction traffic
- This proposal if approved would cause a precedent
- Use of the manual level crossing will almost certainly increase due to congestion and road works associated with this development
- This is a greenfield site and should be kept as such for local residents
- Proposed landscaping would not screen the riding school
- Development on this site is inappropriate with poor access and should not be allowed
- The highway works on Station Road are proposed on private land
- Damage to private property due to vibration and construction vehicles
- Cross Road and its footpaths are too narrow and are heavily used by pedestrians
- Access to and from properties on Cross Road will be affected
- The level crossing impact assessment uses out of date data and does not take into account congestion problems on Dover Road and Station Road which result in an increase in the use of the level crossing
- Recent developments in the area have not been taken into account in the level crossing impact assessment

- Bats use the local area and the site should be maintained as open space for the benefit of wildlife and local people

It is worth noting that a number of objections were raised in relation to the process of the application, including the management of committee, the committee site visit, minutes taken, the delegated report and the information displayed on the public web-site, along with the consideration of planning policies.

f) 1. **The Site and the Proposal**

Please refer to report attached as an annex.

Assessment

Update

2.1 This application was reported initially to Planning Committee on 16 January 2020 but following a lengthy discussion was deferred for a Members Site Visit on 11 February 2020. The issues to consider at the site visit were identified to be:

- Look at the surrounding road network in order to consider safety issues and the potential impact on junctions;
- View the riding school and understand the potential impact on it; and
- View Station Road and consider the potential impact on residents of the proposed road widening.

2.2 Due to the nature of the site visit, representatives from KCC Highways and Transportation and the applicant also attended. Any issues raised were reported verbally to Planning Committee by the appointed Chairman on the 13 February Planning Committee. Prior to the site visit, additional plans were provided by the developer to more clearly show the proposed highway works and were submitted to assist understanding at the site visit. The plans submitted did not propose any amendments and all proposed off-site highway works are as originally proposed.

2.3 These plans have been added to the application and are available to view online, to ensure all third parties had the opportunity to view these plans. It was also discussed at the site meeting that a number of conditions could assist to address the highway concerns and these are reflected in the recommendation and list of conditions identified.

2.4 The application was reported back to the 13 February Planning Committee and a copy of this report is attached as an annex to this follow up report. KCC Highways and Transportation also attended Planning Committee and detailed discussions took place in relation to highway matters. Following discussion at the Planning Committee, Members recommended that the application be deferred to seek the views of The British Horse Society in relation to the impact on the riding school and the safety of the horses.

Principle of Development

2.5 This is discussed in detail in the appended report.

Impact on the Landscape and Visual and Rural Amenity

2.6 This is discussed in detail in the appended report.

Highway Impacts

- 2.7 This is also discussed in detail in the previous report with the following summarising discussions that have taken place and suggested conditions.
- 2.8 At the Members site visit on 11 February 2020 the impact of the proposed off-site highway works, particularly focusing on Station Road and the works near the riding school were discussed. On assessing the works that would take place a number of conditions were suggested to ensure the works considered a number of specific factors and also that the works are partially implemented prior to construction works commencing on site, in the interests of highway safety and the free flow of traffic. On further consideration of the specific wording it is suggested the following conditions are included in the recommendation:
- 2.9 *Prior to the commencement of construction on site, the off-site highway works shown on plan numbers 2243-F02 Rev J, 2243-F03 and 2243-F01 Rev P shall be implemented in accordance with a detailed highway works phasing strategy to be submitted and approved by the local planning authority, this shall include details of measures to provide a dropped kerb to enable parking to 112 and 144 Station Road. The agreed phasing strategy shall be implemented accordingly.*
- 2.10 *Development shall not be commenced until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) adjusting and prohibiting on-street car parking in the vicinity of Station Road, Sydney Road and Cross Road. A scheme indicating the extent and full details of the TRO shall be submitted to and approved by the local planning authority.*
- 2.11 At the 13 February Planning Committee further discussions and measures were discussed in relation to the safety of horses using Station Road/Ellens Road. KCC Highways stated that the proposed off-site highway works along this stretch of road would result in the reduction of vehicle speeds (from the current 60mph) as the 30 mile per hour restriction would be significantly extended to the junction with Cross Road, along with the widening of the road along this section resulting in increased visibility to the east. It was also advised that the riding school would be able to cross the footpath proposed outside the riding school with their horses and it is considered reasonable to install road signage to advise of the need to slow down, due to the use of the road by horses. A further condition is therefore suggested to this effect and is included in the list of suggested conditions.
- 2.12 Given the detailed discussions relating to the highway works and the imposition of detailed conditions and controls, it is considered that previous highway concerns expressed by Members would, to a sufficient degree, be addressed. It is not considered that the proposal would result in a severe highway impact and as previously advised by KCC Highways, would accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.
- 2.13 In conclusion, the highway issues considered in relation to this proposed development are sound and acceptable from both highway safety and capacity perspectives. They fully accord with paragraph 109 of the NPPF and there are no highway grounds to refuse this planning application.

Impact on the Riding School

- 2.14 The application was deferred from the February Planning Committee to enable comments to be received from The British Horse Society in relation to the impact on the riding school and the health and safety of the horses. The society were consulted in February and to date there has been no response. Due to the nature of the concerns it was considered that specialist advice needed to be sought to enable the impact on the horses and the riding school to be appropriately assessed.

- 2.15 A specialist legal equine planning consultant was therefore identified and advice was sought in respect of the impact on the riding school and horses as a result of the proposed development. On appointment of the consultant full background information was provided to enable an opinion to be offered. As the consultant was based in Cheshire it was not considered necessary for a site visit to be undertaken as most of the information was available electronically. In addition, the appointment took place at the start of the COVID-19 outbreak and a site visit would have breached government advice on non-essential journeys at that time. It was therefore not reasonable or proportionate to require a site visit. The advice was made publicly available.

The conclusion states:

“Due to the distance of the proposed construction area of the development site, to the north, and due to the particular type of horses that I would anticipate are used for teaching, I would not expect the business to be unduly affected during either of the construction phase or post development.”

- 2.16 The opinion was based on the construction phase of the development and post-construction phase and considers the horses' welfare, rider safety and impact on business. These views are also based on the indicative site layout plan which identifies a landscaped buffer and open space to the southern section of the site. At this stage the applicants had also offered their agreement to a legal obligation requiring the open space and landscaping to be provided before occupation of 70% of the site and this was also relayed to the consultant. The opinion does not consider the impact of the proposed off-site road works.
- 2.17 On further discussions with the consultant it was advised that horses do not like visual changes or sudden noises, which can cause them to react badly and cause stress that could affect both their welfare and the safety of riders. However, they do adapt over time, so once completed the proposed development is unlikely to cause an undue impact on the riding school. The construction phase has greater potential to cause stress and anxiety, due to visual changes and noise. There is some debate as to how much of the development site will be visible from the riding school, due to the intervening landscaping, however, the clarification from the developers that they would be happy to implement landscaping works prior to 70% occupation and include this within the legal agreement would assist and further minimise the impact from the construction site.
- 2.18 In terms of the off-site road works which are in much closer proximity to the riding school, the applicant has clarified the expected duration of the works, as the road would need to be temporarily closed during the works resulting in a shorter period of time, and it has been confirmed this would be expected to be undertaken within 4 weeks. It would therefore be reasonable to assume that the riding school and the horses could be affected over this 4-week period but once the works were completed the horses would be able to adjust to the visual changes.
- 2.19 Additionally, a construction management plan and an environmental construction management plan are included in the list of conditions. Combined these would seek to control the movement, routes and timing of construction traffic and the noise, working hours and overall management of the construction site. These conditions therefore seek to minimise the impact of the construction phase of the development site in terms of the impact on existing/adjacent uses and their amenity. These measures would also address some of the concerns from the riding school and the impact on the horses.
- 2.20 Further the applicants have also confirmed some of the basic details that would be covered in the construction management plan condition and have confirmed they would expect that Cross Road would form the preferred route for construction vehicles, due to the railway bridge on Station Road. This would further reduce the

potential for noise and disturbance from large vehicles travelling past the riding school.

- 2.21 On the basis of the evidence available and the controls and measures that can be put in place, through conditions and the legal agreement, along with the short period of time for the road works along Station Road, the impact on the riding school and the welfare of the horses has been minimised as far as practicable and beyond the standard requirements for similar types of development. Therefore, on balance, the development, including during the construction phase, along with the adequate measures identified, will minimise disruption to the riding school. The overall impact on the riding school, the welfare of the horses and riders has therefore been found to be appropriate and acceptable from the proposed development. There is also limited evidence to suggest that there would be any long-term impact on this existing riding school business, which should be able to continue operating throughout the majority of the construction phase.

Impact on Coldblow Level Crossing

- 2.22 The impact of the proposed development on the manual level crossing at Coldblow has also been raised, due to the potential for an increased use as a result of the proposed development. Network Rail were consulted on the planning application but were not initially consulted as all the criteria for consultation had not been fully met, they were formally consulted to ensure consistency following concerns raised directly by them in respect of the application.
- 2.23 Initial comments following formal consultation raised concerns regarding the potential for increased use of the manual level crossing as a result of this development and concerns in relation to increased development generally within the local area and recent safety concerns at the level crossing. Their comments are set out in full in the consultee section above. As a result, a Level Crossing Impact Assessment was requested to assess the potential impact and a holding objection raised.
- 2.24 The applicants duly provided a Level Crossing Impact Assessment and Network Rail re-consulted on this additional report. The report identified a very limited material increase on the use of the level crossing as a result of the proposed development. KCC Highways were also re-consulted on this additional information. The transport assessment submitted with the planning application also did not identify a material increase in the use of the level crossing and KCC Highways have confirmed that they agree with this position, with a limited direct increase in the use of the manual level crossing as a result of this development.
- 2.25 Network Rail, however, raised some concerns, which are set out in full in the above section. They requested clarification with the data used in the submitted assessment, the baseline position in relation to other recent developments and the distribution of vehicle trips. They identified that the most appropriate option currently available to reduce the risk at Cold blow level crossing is an upgrade to a Manually-Controlled Barrier type level crossing which would cost in the region of £3 to £5m. This upgrade would remove the need for the public to manually open the gates. It was clarified that it was not expected that the full cost should be requested as a contribution nor was the holding objection withdrawn or upheld. As a result, the applicants sought to clarify their position and confirmed the data was as set out in the Transport Assessment which is up to date and found to be acceptable as a result of the impact of the development on all highway matters.
- 2.26 In addition, they raised the need for further discussion with DDC regarding future developments. The consultation response was also followed up by a letter to Network Rail in relation to the issues raised and to seek clarification on their formal position. Requests for contribution have to be backed up by relevant evidence and have to satisfy the 3 tests in the CIL Regulations (2010) (as amended) being:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2.27 No material increase in traffic has been identified in the use of Coldblow Level Crossing as a result of this proposed development, (ie. no addition car movements and 4 pedestrian movements), it therefore cannot be necessary, directly related or reasonably related in scale and kind to the proposed development. It would therefore not be reasonable, even more so at this late stage in the consideration of the planning application, to request additional contributions to address what would appear to be an existing issue at the manual level crossing. Network Rail were also advised that their views on this position and the Local Plan Review would be sought at the Regulation 18 stage of the Local Plan Review and would be fed into the formulation of any subsequent policies that may result.

2.28 Issues with the level crossing have existed for some time and are ongoing, it would therefore not be reasonably related to the development proposed and are not there to address existing situations. Without relevant evidence and planning justification it would not be appropriate to make requests for such planning contributions, unless a need related to the development has been identified. In response to the points raised Network Rail confirmed their position and have now raised no objection to the proposed development.

Routing of Construction Traffic

2.29 To address concerns relating to the riding school and the safety of the horses associated with large HGVs and construction vehicles using Station Road to access the site, clarification on the proposed route of construction traffic was sought from the applicants. It was clarified and anticipated that Cross Road would be the main route to the site for construction vehicles. This was expected due to the low railway bridge on Station Road. A Construction Management Plan (CMP) condition was proposed to be added that would have required this information in full and at a later date however this request was brought forward for the above reasons. This does not change the need for full details in all respects, including timings, signage, working hours etc to be provided by a condition. Nevertheless, this position has resulted in a large number of objections to the use of Cross Road for this purpose. In terms of whether the road is wide enough and turnings at junctions can be made by HGVs, the Transport Assessment submitted with the application would have taken this into account to a certain extent. KCC Highways would also have been mindful of these aspects of the proposed developments in making their formal comments. No objections have been raised in relation to highway matters relating to this development and on this basis the proposed development is considered to be acceptable, subject to the planning conditions set out in this report.

Planning Contributions - Summary

2.30 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:

- Primary education – towards Phase 2 expansion of Deal Primary School of £3,324.00 per dwelling
- Secondary Education- towards Phase 2 expansion of Dover Grammar School for Girls of £4115.00 per dwelling
- Community Learning – towards IT equipment for the new learners at Deal Adult Education Centre of £2563.87

- Social Care – towards Meadowside Social Care Hub in Deal of £4801.58
- Library - contribution towards large print books at Deal library of £7,626.00
- A total of £6,066.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £45,879.54
- NHS CCG contribution of £89,700 towards expansion at Balmoral GP Surgery, Deal
- Monitoring per trigger event of £236 per event
- Payment of all associated legal costs.

3. Conclusion

- 3.1 In terms of planning policies, development of this site outside the settlement confines would be contrary to policy DM1 and in tension with the 'blanket' restrictions in policies DM11 and DM15. The development otherwise accords with policies DM16 and DM25 of the Core Strategy. In saying that, it is recognised that this 'basket' of policies (DM1 in particular) are not up to date relative to the approach in the NPPF. The NPPF indicates (paragraph 11) where this is the case development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.
- 3.2 When weighing up the benefits of the development identified in the report, although there are significant objections to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.
- 3.3 The proposed development of 100 dwellings will be a substantial addition to the availability of housing sites within the district and would help boost the supply of homes as sought by the NPPF (paragraph 59). The additional housing will also have social, economic and environmental benefits and overall is considered to be sustainable. In addition, the relevant contributions towards local infrastructure costs have been agreed in principle, including education, health and open space contributions. It has also been agreed that the S106 will also require the open space and landscape buffer to be provided in advance of 70% occupation of the units, bringing forward the formal landscaping in advance of a significant proportion of the normal housing building schedule.
- 3.4 KCC Highways consider the proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works, including those considered by Members at the Committee Site Visit. The proposed impact on the highway has been considered in some detail and has been through a number of detailed discussions and considerations. This includes a number of specific conditions and the impact is not considered to be severe. The development accords with paragraph 109 of the NPPF and the impact on the local highways is consequently acceptable, including during the construction stages.
- 3.5 Further detailed consideration has been given to the impact on the riding school and its horses and further advice has been sought in this respect. This is the primary reason for the deferment from the 13th February Planning Committee

and although advice has not been forthcoming from The British Horse Society, expert advice has confirmed that with the additional measures and conditions set out in this report, the likely impact on the riding school business and the welfare of the horses will be minimised to an acceptable degree. On this basis and on balance, the development is found to be acceptable in this regard.

- 3.6 In terms of the impact on Coldblow Level Crossing this has also been found to be acceptable and it has been demonstrated that no financial contribution can be sought from this proposed development. The concerns raised by Network Rail will also be considered further in the Local Plan Review.
- 3.7 All other matters raised can be adequately addressed by planning conditions. Consequently, the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions and undertakings to further control the development on site.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, undertaking for landscaping works and subject to the following conditions to include:

- 1) Reserved matters details
- 2) Outline time limits
- 3) Approved plans
- 4) Existing the proposed site levels and building heights
- 5) Ecological mitigation and recommendations implemented
- 6) Ecological/biodiversity mitigation, enhancement and management plan
- 7) Construction Management Plan (inc. route for construction vehicles)
- 8) Highway conditions (parking, visibility splays, highway works and access fully implemented prior to construction works, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
- 9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the s106)
- 10) Landscaping Details and maintenance of green spaces
- 11) Open space management plan
- 12) Protection of Trees and Hedges
- 13) Hard landscaping works and boundary details/enclosures
- 14) Reporting of unexpected land contamination
- 15) No works on site until final SuDS details are submitted
- 16) Design details of surface Water drainage strategy
- 17) Implementation and verification of SuDS scheme
- 18) No other infiltration on site other than that approved
- 19) Environmental Construction Management Plan (inc. dust management plan)
- 20) Internal acoustic requirements for dwellings
- 21) 4 Stage contamination, remediation and verification conditions
- 22) Programme of archaeological works
- 23) No piling on site
- 24) Details on foul drainage
- 25) No occupation of development until foul infrastructure reinforcement works are completed
- 26) Details of a scheme for Secure by Design principle compliance
- 27) Broadband connection
- 28) EVC charging points
- 29) Road signage to advise of riding school/horses
- 30) Off-site highway works prior to commencement and in accordance with a phased scheme

31) Scheme for Traffic Regulation Order along Station Road to be implemented prior to construction works

- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach