

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 14 July 2016
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,
Harwood, Hastie, Hemsley, Munford,
Perry (Chairman), Powell,
Prendergast, Round and Mrs Stockell

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 21 July 2016

Continued Over/:

Issued on Wednesday 6 July 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Debbie Snook on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 30 June adjourned to 7 July 2016 - to follow
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 1 - 2
13. 14/506264 - Land At Bicknor Farm, Sutton Road, Langley, Kent 3 - 51
14. 15/505906 - Grafty Green Garden Centre, Headcorn Road, Grafty Green, Kent 52 - 89
15. Appeal Decisions 90 - 91
16. Chairman's Announcements

PART II

To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.

Head of Schedule 12A and Brief Description

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| <p>17. Exempt Appendix to the Report of the Head of Planning and Development Relating to Application 14/506264 (circulated separately)</p> | <p>5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p> |
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PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

14 JULY 2016

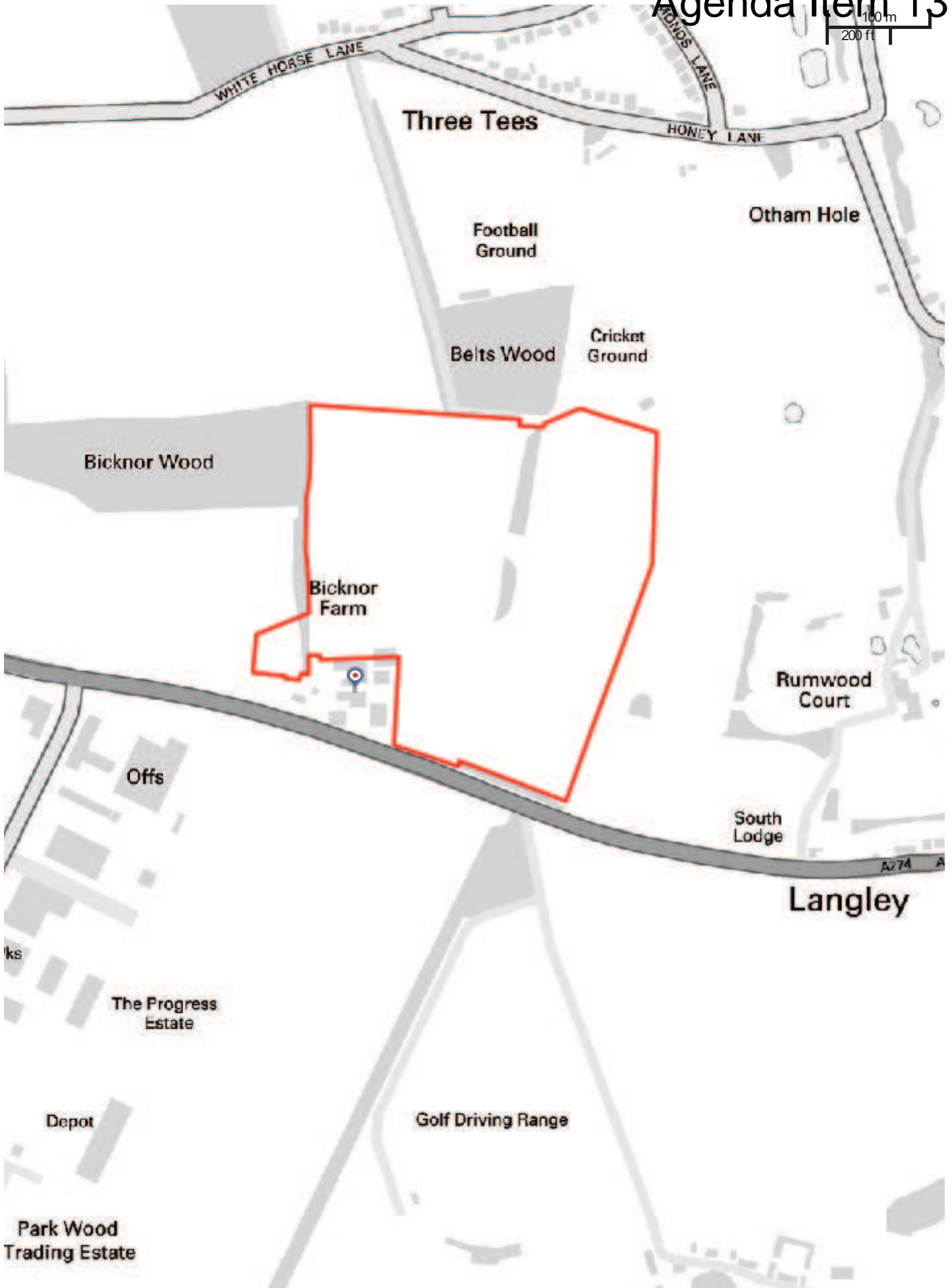
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<u>APPLICATION</u>	<u>DATE DEFERRED</u>
<p><u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u></p> <p>Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.</p>	14 January 2016
<p><u>15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT</u></p> <p>Deferred (a) for further investigation of the flood evacuation plan, including seeking confirmation from the Environment Agency as to whether the initial warning/informing system is possible as the occupants would be holidaymakers and (b) to seek further information on details of the private flood defence system.</p>	2 June adjourned to 9 June 2016
<p><u>15/505906 - DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS AND INFRASTRUCTURE, ERECTION OF 14 DETACHED BESPOKE DWELLINGS INCLUDING GARAGES WITH ANNEX ABOVE, TWO STOREY B1 OFFICE UNIT (5,515SQFT); TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - GRAFTY GREEN GARDEN CENTRE, HEADCORN ROAD, GRAFTY GREEN, KENT</u></p> <p>With acceptance of the apportionment of contributions set out in paragraph 14.5 of the report of the Head of Planning and Development, deferred for one cycle to seek the following amendments to the scheme:</p>	2 June adjourned to 9 June 2016

<p>The apex corner by Crumps Lane to be demarcated from the residential curtilages and to be a flood attenuation and natural habitat receptor site and the gardens on the west side to be cut in half and the western boundary demarcated as an open woodland landscape buffer/semi-natural state receptor site.</p> <p>When the application is reported back to Committee a full set of proposed conditions and draft Heads of Terms is to be included to assist Members should they be minded to grant delegated powers to approve.</p>	
<p><u>14/506264 - RESIDENTIAL DEVELOPMENT OF 271 DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, ACCESS AND ASSOCIATED INFRASTRUCTURE (AMENDED 08.03.2016) - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, KENT</u></p> <p>Deferred until 14 July 2016 for a full detailed list of proposed conditions and draft Heads of Terms.</p>	<p>30 June adjourned to 7 July 2016</p>



REPORT SUMMARY

REFERENCE NO - 14/506264/FULL			
APPLICATION PROPOSAL Residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure (amended 08.03.2016)			
ADDRESS Land at Bicknor Farm Sutton Road Langley Kent ME17 3NG			
RECOMMENDATION: THAT THE PLANNING COMMITTEE INFORMS THE PLANNING INSPECTORATE THAT HAD THE APPEAL NOT BEEN SUBMITTED, THE COUNCIL WOULD HAVE APPROVED PLANNING PERMISSION SUBJECT TO CONDITIONS & THE COMPLETION OF AN ACCEPTABLE SECTION 106 LEGAL AGREEMENT. (see section 11 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION 1. The proposed development would be acceptable in principle. 2. The impact on the highway would not be severe, adequately mitigated through highway capacity improvements, measures to relieve traffic congestion and improvements to bus frequency along Sutton Road. 3. Ecological mitigation measures can be successfully implemented subject to conditions. 4. The visual impact on the landscape character is considered to be low to moderate. 5. The impact on surrounding heritage assets would amount to less than substantial harm. 6. Over provision of good quality open space within centre of site. 6. Potential harm caused by the development would be outweighed by the benefits of additional housing contributing to the 5 year housing supply.			
REASON FOR REFERRAL TO COMMITTEE 1) The recommendation is contrary to the views of Parish Councils. 2) It is a departure from the adopted local development plan.			
WARD Downswood & Otham	PARISH/TOWN COUNCIL Otham	APPLICANT Jones Homes (Southern) Ltd AGENT DMH Stallard LLP	
DECISION DUE DATE 01/05/15	PUBLICITY EXPIRY DATE 01/05/15	OFFICER SITE VISIT DATE Various visits	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/500532/EIASC R	EIA screening opinion was issued setting out that the most significant implications would be from increased road traffic and resultant air quality and visual impact which could have a cumulative effect with other developments on Sutton Rd but would be at a local level. Concluded that an EIA was not required and impacts could be adequately mitigated.	EIA not required	30/06/2014
Planning History – Surrounding Sites			
13/1523	The erection of 100 dwellings together with associated new access road, car parking,	Approval	14/11/2014

	landscaping, and open space at land west of Bicknor Farm, Sutton Road.		
13/1149	Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping at land At Langley Park, Sutton Road.	Approval	06/02/2014
13/0951	Full application for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works at Imperial Park (land north of Sutton Road, Otham).	Approval	26.09.2014
15/509251	Outline application for a minimum of 250 residential dwellings with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access). Land North Of Bicknor Wood.	Pending	
15/509015/OUT	Outline application for residential development, together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (creche/day centre/day nursery), or B1 (office), up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.	Pending	

1.0 BACKGROUND INFORMATION – APPEAL AGAINST NON-DETERMINATION

- 1.01 The application was deferred from the Planning Committee meeting of 30th June to re-consider the level of detail in the report and to expand upon the suggested conditions in full detail.
- 1.02 This application's target date for a decision was 1st May 2015. The applicant submitted an appeal to the Planning Inspectorate (PINS) against the Council's failure to determine the application by this date in April 2016, and the start date for the appeal was 16th May 2016.
- 1.03 As an appeal has been submitted, the Council has no jurisdiction to determine this planning application, the merits of which will be considered by a planning inspector appointed by the Secretary of State to consider and determine the submitted appeal.
- 1.04 However, the procedural rules for planning appeals require the Council to inform PINS of the decision it would have taken on the planning application had an appeal not been submitted. The Council must submit its appeal statement, including this information, by 29th July 2016. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but will be represented at any appeal hearing or inquiry to assist the Inspector appointed to determine the appeal. If the Planning Committee decides that it would have refused planning permission, the Council must defend that decision at the appeal. Any putative reasons for refusal must be clearly justified by reference to relevant development plan policies and must be based upon relevant and reliable evidence. Otherwise, the Council will be at risk of an adverse costs award being made if an unreasonable failure to defend any reasons for refusal causes the appellant to incur wasted expenditure.
- 1.05 This report includes officers' recommendation that the Council inform PINS that, had the appeal not been submitted, the Council would have granted planning permission subject to the conclusion of a section 106 legal agreement and planning conditions considered necessary to make the proposed development acceptable in planning terms.

MAIN REPORT

2.0 DESCRIPTION OF SITE

- 2.01 The site is located on the south-eastern edge of Maidstone within the Parishes of Otham and Langley to the north of Sutton Road, adjacent to the built up area boundary. It is located outside the defined settlement, adjacent to other allocated housing sites which are currently being built out and/or currently have live applications submitted to the Council.
- 2.02 The site area is contained within two field parcels and small areas of associated utility space adjacent to the farmyard buildings and is accessed via a gate from the A274 Sutton Road to the southern boundary and is one of the major routes from the south to the town centre being two-way and subject to a 40mph speed limit.
- 2.03 The topography of the site area reflects the immediate surrounding landscape, and is

relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.

- 2.04 The site is edged to the east by the paddock land and setting of Rumwood Court and to the northern boundary with further paddock enclosures. A woodland block known as Belts Wood directly adjoins the northern boundary between the nearby cricket and football grounds and the agricultural land south of White Horse Lane and Honey Lane beyond which lies the village of Three Tees. Further north lies the village and conservation area of Otham and the scattered blocks of Ancient Woodland including East Wood. To the west the site is edged with the Ancient Woodland block of Bicknor Wood and the scrubland lying adjacent to the northern edge of Sutton Road approaching the urban eastern edge of Maidstone. To the south the site is defined by Sutton Road, lined with a mature belt of trees and vegetation and the curtilage of Bicknor Farm to the south western corner.
- 2.05 The buildings of Bicknor Farm are largely contained from view within the site by the outlying barns and sheds of the yard and an array of large disused lorry containers immediately west of the existing site entrance. Further associated paraphernalia includes large skips and abandoned plant vehicles. Areas of hardstanding and access surrounding the enclosed farmyard development are becoming overrun with scrub and ruderal vegetation and have been utilised for the storage of excavation debris, rubble and waste material forming large spoil heaps. The field to the east of the proposed site is occasionally used for car boot fairs accessed from the Sutton Road entrance via a hard surfaced track.
- 2.06 An existing Public Right of Way (PRoW) runs directly through the site linking Sutton Road to in the south to White Horse Lane and the western edge of Threes Tees in the north beyond Belts Wood and the adjacent football ground and agricultural field.
- 2.07 To the south of the site, beyond Sutton Road is Langley Park, a development of up to 600 new homes, is directly opposite the site and will provide further sustainability credentials to the site as the proposals include a new retail hub, primary school, allotments and open space.
- 2.08 Bicknor Farm Farmhouse is a Grade II Listed Building but also benefits from commercial mixed uses. Rumwood Court, also a Grade II Listed Building is to the east of the site.

3.0 **PROPOSAL**

- 3.01 The site forms part of the emerging strategic housing allocations set out in Policy SP3 and Policy H1 (9) of the Submission Version of the Maidstone Borough Local Plan for approximately 335 dwellings.
- 3.02 The application seeks full planning permission for the development of the Site for 271 dwellings on 10.8ha of land on the edge of the defined development boundary of Maidstone. It will be accessed via a new 'arm' on the roundabout proposed as part of the permitted Langley Park scheme. An emergency access is also proposed as well as other possible pedestrian links to the wider area. The scheme represents a mix of housing sizes and types including 30% affordable housing.
- 3.03 The proposed development comprises a mix of 2, 2.5 & 3 storey properties constituting a density of 25dph.

Private Housing:

1 bed	2 bed	3 bed	4 bed	5 bed	Total
0	24	93	56	17	190
0%	13%	49%	29%	9%	70%

Affordable Housing:

1 bed	2 bed	3bed	4 bed	5 bed	Total
Shared Ownership					
10	15	6	0	0	31
12%	19%	7%	0	0	11.5%
Social Rented					
18	16	12	4	0	50
22%	20%	15%	5%	0	18.5%
Total					
28	31	18	4	0	81
35%	38%	22%	5%	0	30%

- 3.04 Access to the site is via the new Langley Park roundabout where a feature entrance to the site would comprise grassed verges and two pairs of houses on an offset sweeping bend opposite a pocket of open space fronting Sutton Road. The main spine access road would be planted with trees within a verge to create an avenue leading to a forked junction which splits the site into 4 distinct districts where the open space would be the main focal feature. The large central tree belt is retained and provides a backdrop for the open space provision within the north east section of the site. The north-east section provides a low density area with large detached dwellings to act as transition between the urban and rural edge. The south-east and western parts of the site are high density mixed development of 1, 2 and 3 bed private and affordable dwellings. The central areas, along the access road comprise low density detached housing.
- 3.05 The scheme provides 2.34ha of open space comprising a mix of formal and informal open space and landscape buffers of which approximately 1.04ha is useable open space and 1.28ha being landscape and visual buffer zones. A landscape strategy is also submitted demonstrating how open space and planting/landscaping could be provided; this includes 15m buffer zone between the houses and Bicknor Woods together with buffer strips to the edges of the site. Any under provision of open space will be provided for by a financial contribution to be secured by the S106 agreement as per the adjoining and adjacent sites granted permission and under construction. The public footpath PROW KM94 will be retained and enhanced continuing the link between Sutton Road and White Horse Lane.
- 3.06 The design and appearance of the buildings will take reference from the local vernacular buildings in terms of scale, form, materials and detail and would be a contemporary interpretation of traditional housing, of relatively simple form, incorporating materials to include brick, weatherboard, render and tile hanging.
- 3.07 Parking provision is generally in accordance with KCC's parking standards . It will be a mixture of parking within plot curtilages and parking courts and will include some garages. Overall, 600 spaces are provided (566 allocated and 34 unallocated). Cycle parking will be provided with garages, outbuildings or in secure cycle stores.

4.0 **PLANNING CONSTRAINTS**

- Setting of grade II listed building at Bicknor Farm
- Allocated Site – housing/economic development
- Airfield Detling DVOR Technical Site
- Ancient Woodland
- Potential Archaeological Importance
- MOD Thurnham Multiple (Spatial)
- Public Right of Way KM94
- Thurnham Exclusion Zone Multiple (Spatial)
- Tree Preservation Order Point MBC_SBC Multiple (Spatial)
- Tree Preservation Order Polygon MBC_SBC Multiple (Spatial)

5.0 **POLICY AND OTHER CONSIDERATIONS**

5.01 In determining applications for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, regard must be had to all material planning considerations and the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.02 National and local planning policy and guidance relevant to this application include:

- The National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: H1, T1, T2, T13, ENV6, ENV21, ENV26, ENV28, ENV32, ENV35, ENV41, CF1
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Integrated Transport Strategy 2012-2026
- Draft Maidstone Borough Local Plan (Submission Version): SS1, SP3, SP5, SP17, H1(9), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1

5.03 Material considerations relevant to this planning application include:

- The Transport White Paper (2011);
- KCC Local Transport Plan (2011-2026);
- Safer Places, The Planning System and Crime Prevention.

5.04 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and as the plan has reached submission stage to the Secretary of State, the plan is afforded significant weight.

5.05 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

6.0 LOCAL REPRESENTATIONS

6.01 Otham Parish Council – Objection raised.

- Concern raised about the Langley Park, Imperial Park, The Coppice and Bicknor Green sites and other sites identified in the Draft Local Plan and their impact on Church Road, Otham and Downswood.
- Bicknor Farm development would add further heavy traffic on Sutton Road and cause further congestion at Sutton Road/Willington Street junction diverting drivers along narrow Church Road into Downswood, Ashford Road via Otham and the Otham Conservation Area. The village and surrounding lanes and tracks are not suitable to take the impact of additional traffic generated.
- Future capacity problem at the Sutton Road/Willington Street junction in the morning peak (in the 2027 calculations) after all completed developments and junction improvements.
- Applicants not consulted Kent Police regarding crime prevention.

6.02 Langley Parish Council – Objection raised

- Concerned that the Council recommends to support major development proposals included in the Consultation Draft of the Local Plan prior to examination would make a mockery of the democratic Local Plan Review Process.
- No need for the draft MBLP to include further unsustainable allocations along Sutton Road due to high numbers of windfall supply.
- Parish Council agrees with and endorses KCC Highways objection on the basis of detailed local knowledge of traffic conditions.
- The application site is remote from the nearest railway station and not sustainable.
- Bus lane link to the town centre is fraught with difficulty. Southern approaches to the town, including the Wheatsheaf junction, are already notoriously congested.
- No need to grant planning permission at this time due to demonstration of 5 year housing supply.
- Development would spread to and engulf the settlement of Langley leading to almost unintentional coalescence
- The proposal is contrary to development plan Policy ENV28 of the adopted Development Plan (MBLP 2000) and the NPPF.
- Traffic from the Bicknor Farm site (and the other Sutton Road proposals) would also impact on the congested Wheatsheaf junction.
- Will have severe traffic impacts on the network contrary to paragraph 32 of the Framework.
- Proposal does not secure the buffer zone to protect the setting of Grade II Listed Building Rumwood Court in its historic parkland setting. Development will be intrusive dominating and amount to substantial harm to the setting.
- Development involves the loss of 7.9 hectares of land which is classified as best and most versatile contrary to para 112 of the NPPF.
- Poor consultation of local views.
- There are no benefits to allowing this proposal which would weigh against the adverse impacts.
- No evidence that the application has sought to avoid the loss of higher quality land.
- No mention is made of the loss of Grade I agricultural land in the Officers Report to Committee.

6.03 **Neighbours/Interested Parties:** The Council posted site notices, advertised a press notice and wrote to surrounding neighbours of the site. Neighbours were re-consulted when material amendments to the proposed development were received by the Council.

6.04 In total, 9 representations of objection were received from 7 households in response to the consultation exercises and are summarised as follows:

- Sutton Road is notoriously busy and more housing will make it worse.
- The housing developments along Sutton Road will have significant impact on Sutton Road traffic. The developments are excessive being so close to each other.
- Traffic during rush hour is barely tolerable along Willington Street.
- Increased traffic would have impact on Highway safety.
- Narrow lanes and tracks around Langley and Otham will become rat runs.
- Access in and out of our home is unsafe due to traffic speed on Sutton Road.
- Additional air pollution and traffic noise in quiet rural village.
- Insufficient infrastructure - doctors, dentists and hospitals cannot cope with the existing numbers of patients.
- Building houses next to a grade 2 listed building.
- Overlooking Rumwood Court and Gatehouse reducing privacy.
- Will have devastating effect on Langley.
- Sewage, water supply and flooding will also be affected.
- Adverse impact on environment, wildlife, habitat and existing trees.
- Insufficient distance between the development and neighbouring properties.
- Increased noise and disturbance.
- Adverse visual impact on character of the area and village.
- Other sites should be explored.
- Road/junction mitigation measures will not ease traffic congestion.
- Hedge rows will be removed.
- Litter will proliferate.

6.04 **Helen Whately MP** - Has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

7.0 CONSULTATIONS

7.01 **KCC Highways:** Object to the proposal on the basis of its severe impact on the highway network. The summarised comments below represent the County Council's initial objection response:.

- *KCC Highways wish to maintain the objection previously raised in relation to this development proposal on account of the worsening levels of congestion that will result in an unacceptably severe impact on the highway network.*
- *In the event that the Borough Council are minded to grant planning approval against Highway Authority advice, and in the absence of an agreed transport strategy, KCC Highways would seek agreement with the Borough Council on the use of monies equivalent to the value of the proposed highway works on Sutton Road."*

7.02 Subsequently after submission of a further technical note from the applicant's Transport Consultants to provide supplementary information including further traffic

modelling of the local highway network and junction designs, KCC Highways provided a further response and is summarised as follows:

- The conclusion that the impact on A274 Sutton Road/Willington Street/Wallis Avenue Junction should not be regarded as severe undervalues the importance of the A274 (Sutton Road) as a key arterial route serving south and south eastern Maidstone and the extent to which existing congestion will be made worse.
- The applicant's Transport Note argues the impact on the A274 Sutton Road/Horseshoes Lane Junction is not severe and no mitigation is proposed. KCC regards the worsening of conditions on this part of the A274 to contribute to the overall severe impact that would arise on this route and mitigation should be provided to prevent further delays to road users.
- KCC Highways wish to maintain the objection previously raised in relation to this development proposal on account of the worsening levels of congestion that will result in an unacceptably severe impact on the highway network.

7.03 **KCC Public Rights of Way and Access:** No objection subject to conditions.

7.04 **KCC Ecological Service:** No objection subject to the submission of additional information which can be dealt with by conditions.

7.05 **KCC Archaeology:** No comment

7.06 **KCC Economic Development:** No objection subject to the following financial contributions being secured by way of a section 106 planning obligation:

Primary Education -	£905,000
Secondary Education -	£533,904.75
New school land acquisition costs -	£611,243.84
Community Services -	£37,453.72
Libraries -	£13,012.28

7.07 **MBC Planning Policy:** No objection. The site has been brought forward to Regulation 19 stage of the emerging MBLP. The submitted scheme appears to address the criteria of Policy H1(9) of the emerging plan; retains and enhances local habitat and connectivity links.

7.08 **MBC Landscape Officer:** No objection subject to conditions relating to a landscaping strategy.

7.09 **MBC Conservation Officer:** It is considered that the proposal would result in less than substantial harm to the surrounding heritage assets and their setting.

7.10 **MBC Housing:** No objection subject to a viability assessment to justify 30% affordable housing provision, rather than 40% as set out in the Affordable Housing DPD.

7.11 **MBC Arboricultural Officer:** No objection subject to conditions.

7.12 **MBC Parks & Leisure:** No objection subject to a contribution of £400 per dwelling towards off site open space.

7.13 **MBC Environmental Health:** No objection subject to conditions relating to potential ground contamination.

- 7.14 **MBC Environment & Street Scene:** No objections subject to a condition requiring a Sustainable Travel Plan.
- 7.15 **NHS:** No objection subject to a financial contribution of £210,960 towards healthcare needs at local surgeries within the local area secured by way of a section 106 planning obligation.
- 7.16 **Environment Agency:** No objection subject to conditions. Initial objection removed following submission of additional information.
- 7.17 **Crime Prevention Design Advisor (Kent Police)** – No objection subject to further consultation covered by condition.
- 7.18 **Southern Water** – No objection
- 7.19 **Arriva** (local bus company) - Support the proposal as follows:
- a) provision of bus-only route from the east;
 - b) provision of five year subsidy from the development for improvements to existing buses (routes 12 and 82).

8.0 BACKGROUND PAPERS AND PLANS

- Planning Statement dated December 2014
- Icenit Transport Technical Note dated March 2016
- Transport Assessment dated December 2014
- Extended Phase 1 Habitat Survey dated August 2014
- Bat Survey dated August 2014
- Reptile Survey dated August 2014
- Flood Risk Assessment & Drainage Strategy dated December 2014
- Draft Travel Plan dated December 2014
- Agricultural Land Classification and Soil Resources dated December 2014
- Air Quality Assessment dated December 2014
- Noise Assessment dated December 2014
- Cultural Heritage Desk Based Assessment dated December 2014
- Landscape and Visual Impact Assessment dated 4th December 2014
- Landscape and Ecology Mitigation Proposals – Landscape Design Strategy dated 11 December 2014
- Construction Traffic Management Plan dated November 2015

3642/2.03 A 'Langley' 3 bed 2 storey semi-detached or mews house plans & elevations

3642/2.04 A 'Thornton' 3 bed 2 storey semi-detached or mews house plans & elevations

3642/2.05 A 'Davenham' 4 bed 2 storey detached house plans & elevations

3642/2.06 B 'Holcombe' 4 bed 2 storey detached house plans

3642/2.07 A 'Banbury' 4 bed 2 storey detached house plans & elevations

3642/2.08 A 'Ashby' 3 bed 2 storey semi-detached house plans & elevations

3642/2.09 A 'Birch' 3 bed 2 storey semi-detached or mews house plans & elevations

3642/2.10 A 4 bed 2 storey semi-detached house plans & elevations

3642/2.11 A 'Cranford' 2 bed 2 storey mews house plans & elevations

3642/2.12 A 'Hartford' 4 bed 2 storey detached house plans & elevations

3642/2.13 A 'Hartford Regent' 4 bed 2 storey detached house plans

3642/2.14 A 'Knightsbridge 2' 5 bed 2 storey detached house plans
3642/2.15 A 'Latchford' 5 bed 2 storey detached house plans & elevations
3642/2.16 A 'Stratton' 4 bed 2 storey detached house plans & elevations
3642/2.17 A 'Westbourne' 4 bed 2 storey detached house plans & elevations
3642/2.18 A 'Knightsbridge A' 5 bed 2 storey detached house plans
3642/2.19 A 'Connaught' (front entry garage) 5 bed 2 storey detached house plans
3642/2.20 A 'Connaught' (side entry garage) 5 bed 2 storey detached house plans
3642/2.21 'Chester' & 'Chester 2' 4 bed 3 storey town house plans
3642/2.22 A 'Chester' & 'Chester 2' 4 bed 3 storey town house elevations
3631/2.26/1 B Streetscape
3642/2.26/2 B Streetscape
3642/2.26/3 B Streetscape
3642/2.26/4 B Streetscape
3642/2.26/5 B Streetscape
3642/2.26/6 B Streetscape
3642/2.26/7 B Streetscape
3642/2.26/8 B Streetscape
3642/2.27 A 3B LTH 3 bed 2 storey semi-detached house elevations
3642/2.28 B 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.29 'Connaught' (front entry garage) 5 bed 2 storey detached house elevations
3642/2.30 'Connaught' (side entry garage) 5 bed 2 storey detached house elevations
3642/2.31 'Holcombe' 4 bed 2 storey detached house elevations
3642/2.32 A 'Hartford' (front entry garage) 4 bed 2 storey detached house elevations
3642/2.33 'Hartford Regent' 4 bed 2 storey detached house elevations
3642/2.34 'Knightsbridge 2' 5 bed 2 storey detached house elevations
3642/2.35 'Knightsbridge A' 5 bed 2 storey detached house elevations
3642/2.37 A 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/2.39 'Hartford' (side entry garage) 4 bed 2 storey detached house elevations
3642/2.40 Apartments 1 & 2 bed 2 storey plans
3642/2.41 Apartments 1 & 2 bed 2 storey elevations
3642/2.42 Apartments 1 & 2 bed 3 storey plans
3642/2.43 Apartments 1 & 2 bed 3 storey elevations
3642/2.44 Apartments 1 & 2 bed 3 storey plans
3642/2.45 Apartments 1 & 2 bed 3 storey elevations
3642/2.46 3B LTH (side entry) 3 bed 2 storey semi-detached house elevations
3642/2.47 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.48 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/3.00 P Site layout
3642/3.01 Location plan

9.0 APPRAISAL

Local planning policies – weight

- 9.01 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

9.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

9.03 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

9.04 Paragraph 216 of the NPPF states that,

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

9.05 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."

9.06 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(9) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

9.07 In conclusion the weight to give that plan and the draft site allocation policy H1 (9) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

9.08 **Principle of Development**

9.09 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is saved policy ENV28 which relates to development within the open countryside. The policy states that:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan.”*

9.10 None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the adopted Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.

9.11 The emerging MBLP is at an advanced stage and was submitted to the Secretary of State for examination on 20 May 2016. The independent examination has commenced and examinations hearings are expected to be held in September 2016. Policy SP17 of the draft MBLP, which relates to development in the countryside and Policy SP3 relating to the Maidstone South East Strategic Development Location are relevant together with Policy H1(9) which allocates the site for housing development comprising approximately 335 dwellings. As such, whilst the site is located within the countryside, outside of the existing settlement boundary having regard to the sites allocation for housing within an extension of the urban development boundary set out in Policies SP3 and H1(9) of the draft MBLP extending into the countryside (as restrained by Policy ENV28 of the adopted development plan), the proposed development would accord with the draft MBLP which should be afforded significant weight in the determination of this application. The non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(9)). Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside', limited weight should be accorded to that non-compliance, as the site is allocated for development in the draft MBLP.

9.12 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to the national planning priority to boost significantly the supply of housing to meet identified needs (in paragraph 47 which states that local planning authorities should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

- 9.13 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 9.14 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with paragraph 47 of the NPPF, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 9.15 Policy SP3 of the emerging local plan relating to the Maidstone urban area south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(9) of the emerging plan for development of approximately 335 dwellings and sets out the criteria to be met whereby planning permission would be granted.
- 9.16 The application involves the provision of 271 units which is below the H1(9) policy allocation of 335 units. This is due to the provision of 2.34ha of open space which is nearly double the minimum provision of 1.23ha set out in criteria 9 of the policy and the provision of a 15 metre buffer zone to the sites western boundary. As a result, it is considered that the reduced density and increased areas of open space would create a higher quality design and layout. The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 9.17 For these reasons, it is considered that the principle of the development is

acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

9.18 Highway Impact

9.19 Saved Policy T2 of the adopted MBWLP, which carries significant weight, states that within bus and Hackney carriage corridors as set out in the proposals map, preference measures may include priority to buses at junctions, prioritisation within traffic management schemes and enhanced waiting, access facilities and information systems for passengers.

9.20 Paragraph 32 of the NPPF states that all development which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.21 The housing allocation in draft MBLP Policy H1(9) sets out the following Highways and Transportation criteria required to secure planning permission:

- “10. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
- 11. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
- 12. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
- 13. Improvements to capacity at the A229/A274 Wheatsheaf junction.*
- 14. Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.*
- 15. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor”.*

9.22 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

Existing Conditions

9.23 The A274 Sutton Road forms one of the major routes from areas to the south and

east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.

- 9.24 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 9.25 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This includes the provision of a toucan crossing in the centre of the stagger and sign-posted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.
- 9.26 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 9.27 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 9.28 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.

Traffic Impact Assessments

- 9.29 The Council have commissioned transport consultants Mott MacDonald to assess the likely impact of the proposal, and other relevant planning applications in the area and have reviewed all the information that has been submitted by the applicant's transport consultant Icenl and have advised the Council accordingly.
- 9.30 Analysis was undertaken of the traffic flows used within the traffic modelling to further consider which committed development would demonstrate this degree of certainty to proceed by 2018. Each of the following sites detailed in the table below were considered for inclusion with the traffic modelling.

Summary of Committed Developments:

Site	No. of units	Included with 2014 TA modelling	Considered likely to be built/started before 2018	Notes
Land rear of police headquarters, Sutton Road112	112	N	Y	Planning permission granted
Land rear of Kent Police training school, St Saviours Road	90	N	Y	Scheme still awaiting completion of S106
Langley Park	600	Y	Y	Only 170 units considered likely by 2018, however 600 units include in modelling (source: iTransport TA)
Land north of Sutton Road	285	Y	Y	
North of Bicknor Wood	190	Y	Y	Not included with previous Icenl modelling June 2015 given the absence of planning consent
West of Church Road	440	Y	Y	Not considered likely to be delivered by 2018 given current stage in pre-planning.
	950	N	N	Not considered likely to be started by 2018 due to scale of development and stage in planning process

9.31 It was requested that the proposed Countryside development at Land South of Sutton Road be included within the 2027 committed development scenario of the traffic modelling. Whilst it was accepted that this development was unlikely to be delivered by 2018, it was considered by MBC/Mott MacDonald that given a planning application for the scheme had been submitted that it should be included within the future 2027 assessment year modelling for completeness.

9.32 The following sites have been included as committed developments within the modelling assessments:

2018 Assessment

- Land Rear of Police Headquarters, Sutton Road
- Land Rear of Kent Police Training School, St Saviours Road
- Langley Park (170 units only)
- Land North of Sutton Road

- North of Bicknor Wood

2027 Assessment

- Land Rear of Police Headquarters, Sutton Road
- Land Rear of Kent Police Training School, St Saviours Road
- Langley Park
- Land North of Sutton Road
- North of Bicknor Wood
- Land South of Sutton Road

9.33 The following junctions have been identified for a traffic impact assessment as a result of the impact of the proposed development and cumulatively with other committed developments in the vicinity,:

- 1) Sutton Road / Willington Street / Wallis Avenue; and
- 2) Sutton Road / Horseshoes Lane.
- 3) Sutton Road/ Langley Park/ Site Access

Sutton Road / Willington Street / Wallis Avenue Traffic Impact Assessments

2018 Assessments:

9.34 A LinSig model has been used to assess the operation of the A274 Sutton Road / Willington Street / Wallis Avenue junction for '2018 + committed development' and '2018 + committed + development' traffic flows.

9.35 The layout presented in the Langley Park TA is considered to be a committed scheme and the '2018 + committed' scenario was therefore assessed based on this layout. The '2018 committed + development' scenario was assessed based on a proposed improvement layout.

9.36 Both schemes can be provided on currently adopted highway land. The proposed layout will be funded by financial contribution from Maidstone strategic sites relative to their impacts.

9.37 The results are set out in Table 3 and 4 of the Transport Note dated March 2016. They demonstrate an improvement to the operation of the junction as a result of the proposed junction improvements with both peaks being within capacity for the '2018 + committed + development' (with proposed layout) scenario, whereas the '2018 + committed' (with committed layout) AM peak is slightly over capacity.

2027 Assessment:

9.38 The traffic modelling results include committed cumulative development and associated committed junction improvements, and therefore provide a baseline against which the impact of the proposed development should be evaluated.

9.39 When evaluating the impact of the proposed development on the Sutton Road/Wallis Avenue/Willington Street junction, it is important to consider who the development affects across the junction as a whole, on the most constrained arm in terms of Degree of Saturation (DoS) and on the Practical Reserve Capacity (PRC).

9.40 The modelling results show that the junction is predicted to operate within capacity during the AM and PM peak hour with the inclusion of development traffic in the 2018 future assessment year. The results also demonstrate a significant improvement in

operation, following the proposed modifications to the design of the junction. It is therefore considered that the impact of the development in 2018 is acceptable.

- 9.41 The outcome of the junction modelling for 2027 shows that it would be operating in excess of the theoretical capacity during both the AM and PM peak hours for both the Base + Committed (with the committed Langley Park junction layout) and the Base + Committed + Development Traffic Scenarios (with the proposed junction layout). However the operation of the junction is significantly improved in the Base + Committed + Development Traffic Scenario, with the Practical Reserve Capacity value improving in the AM peak from -30.3% to -17.6%, and in the PM peak hour from -21.6% to -13.0%. This is further demonstrated when considering both the Max Degree of Saturation value and associated Mean Max Queues predicted for the AM and PM peak hours. The Max DoS value is shown to fall from 117.3% to 105.9% in the AM peak, and 109.4% to 101.7% in the PM peak. The corresponding Mean Max Queues are also shown to fall from 88 pcus to 55 pcus in the AM peak and 96 pcus to 43 pcus in the PM peak hour.
- 9.42 In their recent consultation response, KCC Highways assert that the proposals would result in a severe impact on the A274 in the absence of effective mitigation. However, the figures demonstrate that the proposed modifications to the Sutton Road/Wallis Avenue/Willington Street junction scheme more than mitigate the impacts of the inclusion of development traffic and result in an improvement in the operation of the junction. As such, it is clear that effective mitigation is identified and the impact of the proposed development cannot be considered as severe in the context of the criteria outlined within the NPPF.

Sutton Road / Horseshoes Lane Traffic Impact Assessments

- 9.43 A Picady model has been used to assess this junction. The 2018 results included in the original TA indicated that the junction would operate within capacity in both peaks and scenarios (without and with development traffic). More recent analysis with updated traffic flows has therefore only been undertaken for the 2027 scenario.

2027 Assessment:

- 9.44 The results show that the junction is predicted to exceed its theoretical capacity in the 2027 Base + Committed and Base + Committed + Development Traffic scenarios. The maximum predicted queuing at the junction is shown to increase from 18 PCU's (passenger car units) to 24 PCU's in the AM peak hour and from 5 PCU's to 7 PCU's in the PM peak hour for the right turn from Horseshoes Lane into A274.
- 9.45 KCC Highways considers that the worsening of conditions on this part of the A274 to contribute to the overall severe impact that would arise on this route and mitigation should be provided to prevent further delays to road users. However, in response to this, an increase in maximum level of queuing of 6 vehicles and 2 vehicles during the respective peak hours falls short of the level of impact that could be considered severe. As such, the Council's transport consultants Mott MacDonald agree with the submitted information that it is not necessary to mitigate the impact of the proposed development at this junction.

Sutton Road/ Langley Park/ Site Access

- 9.46 The Arcady model for the Sutton Road/ Langley Park/ Site Access roundabout, which will serve the proposed development via the north arm, has been updated in accordance with the comments provided by Mott MacDonald. The updated traffic flows have been entered into the model to produce the results for the 2018 and 2027 scenarios. The layout of the junction has been modified from that detailed within the submitted Transport Assessment so as to improve the operation of the junction.

- 9.47 The results for the 2018 scenario show that the proposed site access junction operates within capacity following the inclusion of development traffic and the conversion to a 4-arm roundabout, with a maximum ratio of flow to capacity (RFC) value of 0.52, and maximum queue of 2 vehicles during the PM peak hour.
- 9.48 The results indicate that the junction can still operate satisfactorily in the 2027 assessment year with the addition of development traffic. The results also show a significant improvement in operation of the junction and reduction in predicted maximum level of queuing following conversion to a 4-arm roundabout (new access arm) in this assessment year.
- 9.49 The maximum RFC is shown on the Sutton Road (west) arm of the junction at 0.94, and associated maximum vehicle queue of 12 during the PM peak hour. This should be further considered in the context of the Base + Committed scenario which shows a maximum RFC in the AM peak hour of 0.97 and associated queuing of 16 vehicles and a maximum RFC of 1.09 in the PM peak hour and associated queuing of 70 vehicles. Whilst the maximum RFC for the Base + Committed + Development scenario is above the ideal maximum value of 0.85, the results above clearly show an improvement in the operation of the junction, and that the proposed layout of the 4-arm roundabout more than mitigates the impact of the proposed development.
- 9.50 The provision of these off-site works would be secured by a Grampian condition to be implemented prior to commencement of the development.

Conclusion

- 9.51 The supporting transport documents contain assessments for three junctions; the access roundabout, the junction of A274 Sutton Road / Willington Street / Wallis Avenue, and A274 Sutton Road / Horseshoes Lane. The impact of the proposed junction layout at A274 Sutton Road / Willington Street / Wallis Avenue tested with development flows is shown to reduce overall queuing and delays when compared to the Langley Park committed scheme with committed traffic only. The impact of the proposed development on the junction of A274 Sutton Road / Horseshoes Lane is not considered to be severe with limited additional queuing.
- 9.52 The design of the proposed four-arm site access roundabout from A274 Sutton Road is shown to operate within capacity in 2018 in both AM and PM peak hours. In 2027 the desirable capacity is slightly exceeded. However, compared to the 3-arm roundabout implemented by Langley Park, the addition of a 4th arm together with amendments to the roundabout would result in a significant decrease in queuing when comparing with and without development scenarios.
- 9.53 In addition to the implementation of the 4-arm access roundabout, the applicant would make proportionate financial contributions towards the implementation of the proposed improvement scheme for A274 Sutton Road / Willington Street / Wallis Avenue and towards bus improvement measures involving provision of a five year subsidy from the development for improvements to bus frequency and quality in accordance with Policy H1(9) of the emerging local plan.
- 9.54 In accordance with criteria 15 of Policy H1(9) of the MBLB and saved Policy T2 of the adopted Maidstone Local Plan which relates to bus and Hackney Carriage preference measures, a Grampian style condition will require the provision of additional bus shelters and bus stops close by to the site, pedestrian footpaths and crossing points to reach bus stops and local services and facilities comprehensively linking the site to the surrounding area. An additional financial contribution is

recommended towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development. Whilst this proposal does not seek bus prioritisation measures to contribute a pro-rata basis, the rationale for this is set out in paras 9.151 of the main report and appendix A of the highway mitigation apportionment table. This seeks to comprehensively mitigate the highway impacts of the south east Maidstone strategic housing allocations as a whole.

- 9.55 The Council's transport consultants Mott McDonald consider that with the appropriate mitigation measures put forward, the impact of the proposed development cumulatively with the other developments is mitigated and therefore cannot be considered to be severe.
- 9.56 KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF.

Agricultural Land Classification

- 9.57 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).
- 9.58 The Council has undertaken strategic housing and economic development land availability assessments to assess the boroughs capacity for delivering its targets. The assessments have considered the availability and suitability of land and site constraints. The studies show that the local housing target can be met from within the existing built up area and on sites with the least constraints at the edge of Maidstone and at identified strategic locations.
- 9.59 The housing allocation sites set out in Policy SP3 of the draft MBLP are located on the Maidstone urban edge in the most sustainable location in the settlement hierarchy which is a strategic location for housing growth with supporting infrastructure. At this location, the intention is to limit the extension of development further into the countryside to ensure the more sensitive landscapes in this area will remain protected and development consolidated around the urban edge to make best of new and existing infrastructure.
- 9.60 The site has been rigorously tested through the Strategic Housing Land Availability Assessment, sustainability appraisal and the draft Local Plan testing to be suitable for housing development in a sustainable location. As such, the loss of best most versatile agricultural land within this site has been taken into consideration in its designation for housing in order to provide much needed housing to meet housing needs and the Councils 5 year housing supply target. Whilst material to the

consideration of the application it does in my view weigh heavily against the benefits of the proposal in the planning balance.

Landscape and Visual Impact

- 9.61 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised. Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside.
- 9.62 The immediate surrounding landscape is of a gentle spread of undulating land across a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.
- 9.63 The site occupies an area of existing farmland of Bicknor Farm, contained to the south by the main A274 Sutton Road. The site is edged to the east by the paddock land and setting of Rumwood Court and to the northern boundary with further paddock enclosures. A woodland block known as Belts Wood directly adjoins the northern boundary between the nearby cricket and football grounds and the agricultural land south of White Horse Lane and Honey Lane beyond which lies the village of Three Tees. Further north lies the village and conservation area of Otham and the scattered blocks of Ancient Woodland including East Wood. To the west the site is edged with the Ancient Woodland block of Bicknor Wood and the scrubland lying adjacent to the northern edge of Sutton Road approaching the urban eastern edge of Maidstone.
- 9.64 The site is lined with mature treeline vegetation to the southern edge adjacent to which runs the A274 Sutton Road. The land extends beyond Sutton Road with a large elongated open agricultural field, edged to the east by the Langley Park Driving Range and to the west by the trading estate development of Bircholt Road. To the east of the driving range is the horticultural nursery development of Rumwood Nurseries.
- 9.65 The Low Wealden landscape of open farmland and woodland cover lies further to the south whilst the elevated ridge of the North Downs rises beyond the M20 corridor to the north east. Away from the urban built environment and influence of Maidstone west of the site, the wider landscape is predominantly of an open agricultural nature with a mix of arable and pasture land and extensive nurseries spreading to the north, east and south with intermittent woodland blocks and treebelts giving way to field boundary hedge lined lanes.

Landscape Character Impact

- 9.66 The applicants have submitted a Landscape Visual Impact Assessment to demonstrate the potential impact of the development on the surrounding landscape. The assessment examines the effects of the proposed development in isolation and cumulatively with the surrounding housing developments. In summary, the assessment concludes that due to the proposed development largely enclosed and contained within the site area by the existing mature boundary tree lines and

woodland block vegetation to the site boundaries, the change and effect upon the landscape character area would be *'moderate adverse'* effect upon the landscape resource of the character area and setting of Bicknor Wood. The scale of the proposals is considered slight and limited within the more immediate setting of the site and would not be readily perceived within the larger scale character areas and landscape effects are assessed to be *'negligible neutral'*.

- 9.67 The development proposals would not be perceptible from the Otham conservation area to the north. There would be *'no change'* upon the historic landscape component due to the consequential effects of the development proposals. The Grade II listed Bicknor Farmhouse would undergo a *'slight adverse'* effect due to the proximity of the building setting adjacent to the proposed development.

Landscape Visual Impact

- 9.68 The proposed development would not be highly visible from beyond the immediate site area and boundary frontages. The views made from publicly accessible areas and Public Right of Way footpaths predominantly range between *'negligible neutral'* and *'no change'*; due to the encompassing woodland block and treeline features, areas of existing built settlement areas combined with the level topography and lack of public access in the vicinity of the site.

- 9.69 The Public Right of Way which passes through the site would receive a greater magnitude of views. The surrounding environment also contains detracting elements and the proximity to the A274 Sutton Road degrades the experience and the proposals would therefore be deemed to have a *'moderate adverse'* significance.

- 9.70 Views made locally from north of the site are distinctly more rural in nature and a number of viewpoints potentially receive more open views to the site from more sensitive and publicly accessible space. The views tend to be glimpsed or limited in extent and otherwise filtered by existing landscape features. A single view from White Horse Lane adjacent to the western edge of Three Tees would receive *'slight adverse'* visual effects consequential to the development proposals.

Cumulative Visual Impact

- 9.71 There would be *'negligible neutral'* in-combination effects due to the lack of the amalgamated views of the combined developments. Whilst the exposure of the proposed development would allow sequential views to be made in addition to the amalgamated development, these would predominantly be oblique and of short frequency.

- 9.72 The sequential cumulative effects made from the A274 Sutton Road highway corridor would be of *'minor'* sensitivity; the sequential views would be dominated by long term intrusive elements such that the views would hold little visual amenity and the proposals would not have a marked effect upon the visual quality of the view. The development proposals would be perceptible but would not be a dominating element and the magnitude of change is assessed to be *'low'*; the significance of the cumulative effects consequential to the development proposals to the A274 Sutton Road highway corridor are judged to be *'negligible neutral'*.

- 9.73 The sensitivity of sequential views to the north and west is assessed to be *'Low'*. There would potentially be a noticeable awareness of the proposals in the short term which would have a *'medium'* magnitude of change. The significance of cumulative effects is judged to be *'Slight Adverse'* as a consequence of the development proposals in combination with the amalgamated developments.

- 9.74 In conclusion, whilst there will be some negative impact arising from the proposed development, it is considered that the site is well contained within the existing mature vegetation to the boundaries and the adjoining site from long distance views and landscape mitigation measures to strengthen the boundary vegetation would reduce the perceptibility of the site from public viewpoints. As such it is considered that whilst there will be some harm to the landscape character in conflict with Policy ENV28, the visual impact would be localised to short distance views and the conflict with Policy ENV28 would be limited. The proposal would accord with Policies ENV6, and ENV26 of the Maidstone Local Plan and Policy H1(9) of the emerging Local Plan.

Design and Layout

- 9.75 Paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.76 Paragraph 56 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 9.77 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the Site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 9.78 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 9.79 The site is served by a main access from Sutton Road (A274) from a new arm of the new Langley Park roundabout. The site frontage would incorporate a prominent feature entrance to the west side of the frontage and communal and private garden areas set behind a belt of trees fronting Sutton Road to the east side.
- 9.80 The development layout has been criticised for being too urban in this edge of countryside/suburban location. However, it is similar in scale and layout to the adjoining developments already granted planning permission and incorporates a reduced density of 25dph as opposed to a 32dph figure set out in the draft MBLP policy H1(9) of the housing allocation. The proposed layout uses the existing landscape features and constraints to dictate the general layout and to protect and retain the existing landscape resources (including the designated ancient woodland of Bicknor Wood with the provision of a 15 metre wide landscape buffer) and include extensive structural reinforcement of the site boundaries; the site edges would be bolstered and enhanced through structural planting of native tree, hedge and boundary vegetation supplemented with wildflower grassland fringes. Substantial ecology landscape buffers would be maintained and enhanced as part of the landscape mitigation and open space strategy to form protective space to the adjacent existing woodland belts and treelines.

- 9.81 The layout has been designed to incorporate green infrastructure throughout the site providing structure to the residential areas whilst promoting the provision for public open space through the core of the site and to the site boundaries. The residential properties would include garden plots providing separation to the architectural layout with frontage and feature amenity planting proposed through the site.
- 9.82 The development frontages and architectural street arrangement would be edged with boundary hedge lines and accent focal planting areas to the residential elements; the street frontages would be planted with a number of specimen trees adjacent to the vehicular and pedestrian access. The proposed ornamental planting scheme would reinforce the residential dwelling frontages within the scheme, and compliment the style and design of the proposed development architecture. The planting would become a design feature providing identity and character to the proposed residential development scheme.
- 9.83 The main spine access road would be planted with trees within a verge to create an avenue leading to a forked junction which splits the site into 4 distinct districts where the open space would be the main focal feature. with street scenes providing views to key spaces and glimpses of the existing tree belt to the north. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages.
- 9.84 The layout has made provision for possible future pedestrian/vehicular access to adjoining development sites to the north and west increasing permeability through the site to surrounding developments and the wider townscape to produce a more integrated comprehensive strategic extension to the South East of Maidstone and avoid isolated piecemeal development. It should be noted that the proposed development would not result in coalescence with Langley due to the distance between the site and Langley village. A condition is recommended to secure off-site footpaths and crossing points linking the development to bus stops and future local services and facilities within adjoining and adjacent sites.
- 9.85 The design approach to the houses and apartments is traditional and of a good quality design, incorporating well designed house types and apartment blocks of a similar architectural theme of 2, 2.5 and 3 storeys in height. The majority of houses/buildings are 2 storeys in height. The 3 storey houses are located to the north west quarter of the site where views into the site would be obscured by the mature vegetation to the north and west boundaries, Bicknor Wood and the 2 storey houses to the front of the site.
- 9.86 Discussions have been ongoing with the applicant to ensure that revised amendments undertaken reflect the quality applied to the detailing and appearance of the scheme and reflect the design approach adopted on surrounding sites in order to provide an integrated comprehensive approach to this strategic housing area.
- 9.87 It is considered, therefore, that the scale, density, and massing is appropriate to the site and location.

Open Space Provision

- 9.88 Policy H1(9) of the draft MBLP requires provision of a minimum of 1.23ha of open space within the site together with contributions towards off-site provision/ improvements as required in accordance with policy DM22 of the draft MBLP and should be sited to maximise accessibility to new and existing residents.

- 9.89 The figure of 1.23ha set out in the policy was calculated based on the land available to provide open space on the site if the site was to be developed in accordance with Policy H1(9) to provide 335 dwellings at a density of 35dph. As the application involves a lower provision of 271 units, a larger amount of land is available for open space and thus 2.34ha of open space is provided within the centre of the site comprising a mix of formal and informal semi-natural open space and landscape buffers. The open space is centred mainly around the cluster of TPO trees within the centre of the site which provide an opportunity to highlight these important landscape features as a significant focal point within the site contributing to a sense of place..
- 9.90 A green habitat corridor extends from the open space to the adjoining site to the east where the reptile receptor site is to be located to enhance existing habitat within the centre of the site and to ensure connectivity is retained between the receptor site and proposed development.
- 9.91 The siting of the surrounding houses and the spinal access road around the periphery of the open space adequately addresses the space which will provide an element of natural surveillance and create a useable and meaningful space for residents. As such, it is considered that the proposed development would accord with the open space requirements of Policy H1(9) of the draft MBLP.

Ecology

- 9.92 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
- 9.93 As local planning authority, the Council is obliged to consider whether granting planning permission engages the legal requirements of the Habitats Directive and Habitats Regulations 2010. Where granting planning permission will engage relevant statutory provisions within the Regulations prohibiting and regulating the disturbance of European protective species and their habitat, the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the 'three tests' under Regulation 53 being satisfied. Natural England will grant a licence where the following three tests are met:
- There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
 - there is no satisfactory alternative; and
 - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.94 Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity

includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 9.95 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.
- 9.96 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 9.97 Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.
- 9.98 The applicants have submitted a Phase 1 Ecology Report identifying the potential ecological constraints on the site which identified potential for roosting bats within trees, reptiles under trees and within the scrub and grassland, badgers and breeding birds. The site was not considered to be suitable habitat for dormice and amphibians. Thus, the applicants have submitted reptile and bat surveys to determine the likely presence, numbers and activity on the site.

Bats

- 9.99 The submitted surveys provide a good understanding of the how the site is used by foraging and commuting bats and highlights where the main bat foraging areas are located. A number of trees have been identified as containing suitable features for roosting bats. No bats were recorded emerging from the trees during the emergence surveys however there is still potential that bats will occasionally roost within the trees. It appears that the only tree with bat roosting features to be lost is tree T9 (as numbered within the Bat Survey Report). A condition is recommended to ensure that tree T9 must be felled following the precautionary mitigation strategy detailed within the Bat Survey Report.
- 9.100 There is a need to ensure that the lighting for the site and, in particular, the main bat foraging areas is designed to minimise impact on foraging bats. A condition is therefore recommended requiring full details of a lighting plan or how the proposed lighting would minimise any impact on foraging bats.

Reptiles

- 9.101 A reptiles presence/absence survey was carried out and the only reptile found on site were Slow Worms albeit a low population was found. However, the number was significant enough to require a mitigation strategy which would involve capturing and relocating the Slow Worms to an offsite receptor area identified within the adjacent field to the east. The strategy involves trapping and moving the animals out of the development area to the habitat enhanced receptor area and exclusion fencing installed to prevent the animals moving back into the development area.
- 9.102 The KCC Ecologist is satisfied with the proposed receptor site but it is recommended that connectivity between the proposed receptor site and the proposed development is retained. The development is proposing to enhance existing habitat within the site

to create a habitat corridor within the centre of the site which, once completed, will provide suitable habitat for reptiles and there is a need to ensure connectivity is retained between the receptor site and proposed development to ensure that reptiles can re-colonise the site once construction works have been completed. A condition is recommended requiring this to be demonstrated within the submission of a Landscape and Ecological Management Plan together prior to commencement of development.

Badgers

- 9.103 An active badger sett has been recorded within the development site within an area to be retained. The submitted information has advised that an up dated badger survey is carried out and this would be conditioned as such. The area where the badger sett is located is to be retained within the development site, however, as the construction of the development and after completion is likely to result in an increase in disturbance to the sett, additional information would be required to be submitted detailing what measures to be provided to ensure the badgers will not be impacted by the proposed development during construction and after occupation and secured by condition.

Breeding Birds

- 9.104 There is suitable habitat within the site for breeding birds although no nests were recorded during the ecological scoping survey it's still possible that birds will nest within the site in future years. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such we advise that any vegetation is removed outside of the breeding bird season (March – August) and if that is not possible an ecologist must examine the site prior to works starting. If any nesting birds are recorded all work must cease in that area until all the young have fledged.

Air Quality Impact

- 9.105 The applicants have undertaken an Air Quality Assessment as the site is located on the edge of the Maidstone Air Quality Management Area and has considered levels of nitrogen dioxide concentrations and particulate matter, mainly as a direct result of associated traffic movements, on areas of ecological importance. The assessment concludes that the significance of nitrogen dioxide exposure would be negligible and particulate matter exposure would also expected to be negligible. The impact can be mitigated by planning conditions to reduce the reliance on a car, promote alternative modes of transport and provision of pedestrian paths into surrounding sites and routes.

Enhancements

- 9.106 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 9.107 The landscape proposals would enhance the species and biodiversity within the development site with habitat diversification and creation to the development site boundaries, retaining and strengthening through management the habitat fringes of the existing groups of mature broad-leaved trees to the eastern and southern site boundaries. Planting of native tree, hedgerow, understorey shrub planting and wildflower grassland seeded areas with ornamental flowering shrub species, specimen and accent planting within the residential gardens would also be included.
- 9.108 Areas of existing habitat within the site boundary to the central site area would be mitigated and enhanced through initial management and retention of significant vegetation and by the planting of native understorey shrubs and herb layer visually

strengthening the existing vegetation and enhancing the site's potential for biodiversity and wildlife interest, maintaining habitat and wildlife corridors for Reptiles, Birds, and Bats adjacent to the proposed areas of Public Open Space central to the development.

- 9.109 The landscape mitigation strategy would enclose the development edge and reinforce the hedge rowed containment and character of the surrounding landscape environment. The landscape and ecological strategy proposals would improve the site's potential for ecological connectivity, through the creation of a habitat and wildlife corridor to the eastern boundary.
- 9.110 The western site boundary is edged with mature trees and the ancient woodland of Bicknor Wood. The landscape mitigation proposals would comprise a landscape Buffer zone of 15.0m offering protection of the ancient woodland. The landscape and ecology mitigation strategy would seek to enhance the woodland edge through the implementation of wildflower grassland seeded areas fringing a planting mix of native mixed species understorey shrubs and scattered trees. The planting proposals would further protect the landscape resource whilst reinforcing the site provision and creation of connective habitat with existing valued ecological features.
- 9.111 Areas of wildflower grassland combined with native species planting of trees, shrubs and hedgerows would create ecological habitat, providing an enhancement of site bio-diversity and connectivity with the existing landscape and ecological resource, with increased foraging and hibernating potential for protected species.
- 9.112 It is considered that there is a significant need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. As such, a condition is recommended requiring that they should be addressed within the submission of the Landscape and Ecological Management Plan.

Residential Amenity

- 9.113 The NPPF makes clear that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.114 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.115 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 9.116 The impact upon surrounding residential amenity will be very limited due to the sites significant distance from the nearest residential properties and the presence of mature trees and vegetation surrounding the site. With the exception of Bicknor Farm, it is noted that the property is already surrounded by high fences, barns and commercial sheds in association with the commercial activity within the grounds which would to a greater extent screen the proposed development from the residential farmhouse.
- 9.117 Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the

creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

- 9.118 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.
- 9.119 Other objections relate to increased air pollution from the increased traffic levels generated by the proposed development and the cumulative impact with the surrounding housing developments. The applicants have undertaken an Air Quality Assessment as the site is located on the edge of the Maidstone Air Quality Management Area and has considered impacts on nitrogen dioxide concentrations and particulate matter, mainly as a direct result of associated traffic movements.
- 9.120 The Air Quality Assessment concludes that prior to the implementation of appropriate mitigation measures such as dust suppression, the risk of impacts from the construction phase has been assessed as 'low risk' at the worst affected receptors.
- 9.121 The significance of the effects of the proposed development from traffic associated with the development with respect to NO₂ exposure is determined to be 'negligible'. With respect to predicted PM₁₀ exposure, the significance of the proposed development is also determined to be 'negligible'. All modelled residential receptor locations are predicted to meet the national AQO's for both NO₂ and PM₁₀ in both the 'do minimum' and 'do something' scenarios.
- 9.122 Following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national, regional or local planning policies.
- 9.123 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of an appropriate glazing and ventilation strategy as set out in the submitted noise assessment.
- 9.124 Environmental Protection have been consulted and raise no objection to the conclusions of the assessments. As such, subject to the relevant conditions, it is considered that the proposed development is not likely to result in an unacceptable impact existing or future residents in respect of additional noise, or air quality.

Heritage

- 9.125 Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

- 9.126 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.127 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 9.128 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.129 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.130 Planning Practice Guidance (PPG) states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of development on such assets.
- 9.131 The development site lies immediately adjacent to the listed building at Bicknor Farmhouse, which is a 17th Century timber-framed building with later extensions. Further to the East lies the Grade II Rumwood Court, a large 15th/16th Century timber-framed property with extensive late Victorian additions now divided into flats. The eastern part of the application site lies within land shown on the 1933 Six Inch OS map as being parkland associated with Rumwood Court and some vestigial tree-planting of parkland character remains. The current formal gardens of Rumwood

Court lie some distance further to the East and are bounded on their western side by a significant tree belt.

- 9.132 Bicknor Farmhouse originally occupied an isolated and entirely rural location. Housing developments currently under way have severely truncated this to its western side and the current proposals, wrapping around its northern and eastern sides, would remove this rural setting entirely. However, Bicknor Farmhouse has not had a direct inter-relationship with this rural background for some time, the listed building being hemmed in to the North and East by substantial modern agricultural/ industrial/ storage buildings and lorry parking areas which detract significantly from its setting. For the most part these buildings and structures will remain and will screen the listed building from the new development now proposed. Although the development proposals will have some detrimental impact on the setting, it is considered that this would be slight.
- 9.133 The loss of some of the former parkland to Rumwood Court will remove some of the historic context of that building, but the land seems to be no longer directly related to it and a further field will remain undeveloped before the well-landscaped boundary of the existing gardens is reached. It is considered, therefore, that there will be no significant impact on the setting of Rumwood Court. It is recommended, therefore, that conditions are imposed concerning the submission of full details of materials and landscaping.
- 9.134 With regard to archaeological significance at the site, the submitted Heritage Statement concludes that the site would have low potential for remains of all archaeological periods. However, due to the sites location on free draining land near a river stream, the presence of archaeological remains cannot be ruled out. A standard archaeological condition is, therefore, recommended appropriate in this case.
- 9.135 As such, on balance it is considered that there are insufficient heritage grounds to justify refusal of this application and the proposed development would have no significant impact on the significance of surrounding Heritage assets and their setting and would thus amount to less than substantial harm. The extent of the harm will be addressed in the conclusion section in weighing up the harm against the public benefits of the proposed development.

Contributions

- 9.136 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Affordable Housing

- 9.137 The adopted Affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision on grounds that a 40% provision would render the development unviable.
- 9.138 The applicant submitted a viability assessment in support of the application which the

District Valuation Office has independently appraised. Notwithstanding the outcome of the viability assessment appraisal, draft MBLP Policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by draft MBLP Policy SP3 (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites identified in draft MBLP Policies H1(5) to H1(10) inclusive. As such, as the site is an allocated housing site (Policy H1(9)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances.

9.139 It is acknowledged that whilst relevant draft MBLP Policies have not been adopted and do not carry full weight at this stage, as stated above, those draft policies should be accorded significant weight in the determination of this application.

9.140 As such, it is considered appropriate timing wise to apply draft Policy DM13 to this allocated housing site which would bring forward earlier than anticipated, the implementation of a strategic housing site which would provide a significant proportion of the Council's strategic 5 year housing supply. As such, I am of the view that in this instance there are material considerations that indicate that a 30% affordable housing provision is acceptable in the circumstances.

KCC Contributions

9.141 Kent County Council has requested that contributions be made towards primary education, secondary education, new school land acquisition, libraries, Community Services and Adult Social Care. These contributions are considered to have been fully justified, necessary and related to the scale of development proposed and are in accordance the aforementioned regulations.

Primary Education -	£905,000
Secondary Education -	£533,904.75
New school land acquisition costs -	£611,243.84
Community Services -	£37,453.72
Libraries -	£13,012.28
Adult Social Care –	Provision of 6 wheelchair accessible units as part of the affordable housing provision.

Primary Education

9.142 The proposal gives rise to 63 additional primary school pupils during occupation of this development and cumulatively with other developments in the vicinity can only be met through the provision of a new primary school at Langley Park. The school forms part of the outline element of planning application (MA/13/1149) for 600 houses at the Langley Park site. An area of land within the Langley Park site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction.

9.143 In order to ensure that this school could be delivered, it would be necessary for contributions of £4000.00 per applicable house and £1000.00 per applicable flat together with the associated costs of purchasing the land which amount to £2701.63 per applicable house and £675.41 per applicable flat. The site acquisition cost is based upon the price KCC is required to pay for the school land and the strategy agreed by the Borough Council when determining previous development proposals in

the area. KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. It is considered, therefore, that this element of the proposal does meet the tests as set out above.

Secondary School Provision

- 9.144 A contribution is sought based on the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to 45 additional secondary school pupils from the date of occupation. This need can only be met through the provision of new accommodation within the locality. A contribution of £2359.80 per applicable house and £589.95 per applicable flat is requested for the construction of a phase of extending Cornwallis Academy Maidstone.

Community Services

- 9.145 KCC requests that the development contribute to the community facility which is being delivered as part of the school. The proportionate cost of this additional part of the building is £37,453.72.

Libraries

- 9.146 There is currently an assessed shortfall in provision. Bookstock in Maidstone at 1339 per 1000 population is below the County average of 1349 and both the England and UK figures of 1510 and 1605 respectively. The assessment shows that 13.28% of new residents in the development will be active library borrowers. To mitigate this increase in demand, KCC will purchase and provide new books for these residents, the cost of which is £18,005.93 resulting in a contribution of £48.02 per household.

Parks and Open Space

- 9.147 For a development of this size, a minimum of between 2.85ha and 3.52ha of meaningful on-site open space would be required. The proposal involves the provision of 2.34ha of open space within the site. The shortfall would therefore trigger a contribution towards offsite open space for surrounding open space which is likely to see an increase in usage as a result of this development. Senacre Recreation Ground is approximately 400 metres away and is a large area of open space providing outdoor sports facilities. An offsite contribution is requested towards this site for the improvement, maintenance, refurbishment and replacement of facilities such as play equipment and play areas, ground works, outdoor sports provision and pavilion facilities. The contribution would equate to a sum of £400 per dwelling x 271 amounting to £108400.
- 9.148 It is considered that the contributions sought would ensure that the provision of contributions and facilities would accommodate the impact made by the proposal upon existing infrastructure.

NHS Contributions

- 9.149 The NHS has been consulted and have confirmed that no new provision is required on site. The NHS has indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought to upgrade surgeries within the locality, which include the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery. The above surgeries are within a 1.3 mile radius of the development and the contribution

will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

9.150 A contribution of £360 per person is sought based on the following predicted occupancy rates per dwelling size as follows.

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

9.151 As such, the calculated contribution requested is £210,960 in connection with securing the contribution. The NHS confirms that not more than 5 pooled contributions for the sites listed above have been incorporated and thus meets with CIL regulations. It is considered that the request meets the specific tests set out above.

Highway Contributions

9.152 In assessing the transport and highways impact of the proposals (Land North of Bicknor Wood, Land South of Sutton Road and Bicknor Farm), the Planning Department has looked strategically at all the sites and apportioned mitigation works to each. These works have been considered by transport advisors Mott MacDonald as necessary to mitigate the increase in traffic caused by the proposals.

9.153 In the case of this proposal (Bicknor Farm), the following mitigation is proposed:

9.154 A financial contribution of £2938 per dwelling amounting to £798,095 in total towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development. This is the recommended apportionment set out in the apportionment table in the attached appendix A.

9.155 A financial contribution of £365,850 towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development. This is the recommended apportionment set out in the apportionment table in the attached appendix A.

9.156 In drawing up this apportionment, the following considerations have been followed:

- That the mitigation is necessary to address the highways impacts of the proposals;
- That the overall cost of the mitigation was proportionate with the number of units being proposed in each scheme;
- Ensuring that the proposals were compliant with the Regulations 122 and 123 of the CIL Regulations 2010, in being reasonable, proportionate and directly related to the development and the restrictions on pooling section 106 planning obligations (limiting the number of contributions per mitigation) to no more than 5 obligations.

9.157 Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions for each site on a **pro-rata** basis

(with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

10.0 CONCLUSION

- 10.01 Policy SP3 of the emerging local plan sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(9) of the emerging plan for development of approximately 335 dwellings and sets out the criteria to be met whereby planning permission would be granted. Due to the advanced stage of the emerging Draft Local Plan submitted to the Secretary of State for examination on the 20 May 2016, these policies now afford significant weight in the determination of this application.
- 10.02 As an appeal has been submitted, the Council has no jurisdiction to determine this planning application, which the merits of which will be considered by a planning inspector appointed by the Secretary of State to consider and determine the submitted appeal. However, the Council must inform PINS of the decision it would have made on the application, had the appeal not been submitted. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but would be represented at any hearing or inquiry as explained above. If the Planning Committee decides that it would have refused planning permission, the Council must defend that decision at the appeal. Any putative reasons for refusal must be clearly justified by reference to relevant development plan policies and must be based upon relevant and reliable evidence. Otherwise, the Council will be at risk of an adverse costs award being made if an unreasonable failure to defend any reasons for refusal causes the appellant to incur wasted expenditure.
- 10.03 The proposed development is contrary to saved policy ENV28 in that it proposes housing development outside a settlement boundary in the adopted Maidstone Borough-wide Local Plan (2000
- 10.04 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council can demonstrate a five year supply of deliverable housing sites.
- 10.05 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant protrusion into open countryside beyond existing developed areas. Appropriate infrastructure and highway mitigation could be provided together with the provision of 30% affordable housing. Drainage issues have been fully considered and mitigation for the development could be achieved. There are no objections from the Environment Agency in terms of flooding. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer

considers that the harm to the setting of the listed building would be slight and would thus amount to less than substantial harm.

- 10.06 Accordingly, Paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In determining whether the proposal would be a sustainable form of development there are three dimensions to consider giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). Officers consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment or the significance of the listed building. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development. It is considered, therefore, that the harm caused would not outweigh the public benefits of providing additional housing in a sustainable location which would provide a significant proportion of the Council's strategic 5-year housing supply.
- 10.07 The development would be acceptable in terms of its impact on the landscape, biodiversity, heritage, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation measures, it is likely there would be an improvement and enhancement of the ecological value of the site.
- 10.08 Considering the low level of harm that will be caused by the proposed development, it is considered that those adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, in a sustainable location. As such, the presumption in favour of sustainable development in paragraph 14 indicates that planning permission should be granted. the NPPF. As such, I consider that compliance with policy within the NPPF would have been sufficient grounds to depart from the adopted Local Plan.
- 10.09 Heads of Terms and planning conditions that would have been recommended are listed below. However, as the Council is not determining the application, planning conditions have not been set out in full.

11.0 RECOMMENDATION –

- 11.1 That the Council informs the Planning Inspectorate that, had the appeal not been submitted, it would have granted planning permission subject to the conclusion of a section 106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.
- 11.2 Delegated powers to be given to the **Head of Planning and Development** to negotiate and enter into a suitable S106 legal agreement to provide the following (below) and to be submitted to PINS as part of the appeals process.
- 11.3 For Information:

Any legal agreement would have provided the following:

- The provision of 30% affordable residential units within the application site. Tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units).
- Financial contribution as calculated in appendix A hereby attached of £798,095 towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development subject to final amendments to be negotiated between officers and developers.
- Financial contribution as calculated in appendix A hereby attached of £365,850 towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development subject to final amendments to be negotiated between officers and developers.
- Financial contribution of £611,243.84 towards the land acquisition costs for provision of new school at Langley Park and £905,000 towards construction costs.
- Financial contribution of £37,453.72 towards the community facility being delivered as part of the new school at Langley Park.
- Financial contribution of £533,904.75 towards the construction of a phase of extending Cornwallis Academy Maidstone.
- Financial contribution of £13,012.28 towards libraries to address the demand from the development towards additional bookstock.
- Financial contribution of £108,400 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground.
- Financial contribution of £210,960 to the NHS to upgrade surgeries as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery.
- The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers.

Planning conditions would have addressed the following matters:

- !) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance

with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

- 2) Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the approved plans, drawings, reports and supporting documents:

3642/2.03 A 'Langley' 3 bed 2 storey semi-detached or mews house plans & elevations
3642/2.04 A 'Thornton' 3 bed 2 storey semi-detached or mews house plans & elevations
3642/2.05 A 'Davenham' 4 bed 2 storey detached house plans & elevations
3642/2.06 B 'Holcombe' 4 bed 2 storey detached house plans
3642/2.07 A 'Banbury' 4 bed 2 storey detached house plans & elevations
3642/2.08 A 'Ashby' 3 bed 2 storey semi-detached house plans & elevations
3642/2.09 A 'Birch' 3 bed 2 storey semi-detached or mews house plans & elevations
3642/2.10 A 4 bed 2 storey semi-detached house plans & elevations
3642/2.11 A 'Cranford' 2 bed 2 storey mews house plans & elevations
3642/2.12 A 'Hartford' 4 bed 2 storey detached house plans & elevations
3642/2.13 A 'Hartford Regent' 4 bed 2 storey detached house plans
3642/2.14 A 'Knightsbridge 2' 5 bed 2 storey detached house plans
3642/2.15 A 'Latchford' 5 bed 2 storey detached house plans & elevations
3642/2.16 A 'Stratton' 4 bed 2 storey detached house plans & elevations
3642/2.17 A 'Westbourne' 4 bed 2 storey detached house plans & elevations
3642/2.18 A 'Knightsbridge A' 5 bed 2 storey detached house plans
3642/2.19 A 'Connaught' (front entry garage) 5 bed 2 storey detached house plans
3642/2.20 A 'Connaught' (side entry garage) 5 bed 2 storey detached house plans
3642/2.21 'Chester' & 'Chester 2' 4 bed 3 storey town house plans
3642/2.22 A 'Chester' & 'Chester 2' 4 bed 3 storey town house elevations
3631/2.26/1 B Streetscape
3642/2.26/2 B Streetscape
3642/2.26/3 B Streetscape
3642/2.26/4 B Streetscape
3642/2.26/5 B Streetscape
3642/2.26/6 B Streetscape
3642/2.26/7 B Streetscape
3642/2.26/8 B Streetscape
3642/2.27 A 3B LTH 3 bed 2 storey semi-detached house elevations
3642/2.28 B 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.29 'Connaught' (front entry garage) 5 bed 2 storey detached house elevations
3642/2.30 'Connaught' (side entry garage) 5 bed 2 storey detached house elevations
3642/2.31 'Holcombe' 4 bed 2 storey detached house elevations
3642/2.32 A 'Hartford' (front entry garage) 4 bed 2 storey detached house elevations
3642/2.33 'Hartford Regent' 4 bed 2 storey detached house elevations
3642/2.34 'Knightsbridge 2' 5 bed 2 storey detached house elevations
3642/2.35 'Knightsbridge A' 5 bed 2 storey detached house elevations
3642/2.37 A 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/2.39 'Hartford' (side entry garage) 4 bed 2 storey detached house elevations
3642/2.40 Apartments 1 & 2 bed 2 storey plans
3642/2.41 Apartments 1 & 2 bed 2 storey elevations
3642/2.42 Apartments 1 & 2 bed 3 storey plans
3642/2.43 Apartments 1 & 2 bed 3 storey elevations
3642/2.44 Apartments 1 & 2 bed 3 storey plans

3642/2.45 Apartments 1 & 2 bed 3 storey elevations
3642/2.46 3B LTH (side entry) 3 bed 2 storey semi-detached house elevations
3642/2.47 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.48 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/3.00 P Site layout
3642/3.01 Location plan
15-T047 06.2 – Fourth arm vehicular access to site plan

Planning Statement dated December 2014
Iceni Transport Technical Note dated March 2016
Transport Assessment dated December 2014
Extended Phase 1 Habitat Survey dated August 2014
Bat Survey dated August 2014
Reptile Survey dated August 2014
Flood Risk Assessment & Drainage Strategy dated December 2014
Draft Travel Plan dated December 2014
Agricultural Land Classification and Soil Resources dated December 2014
Air Quality Assessment dated December 2014
Noise Assessment dated December 2014
Cultural Heritage Desk Based Assessment dated December 2014
Landscape and Visual Impact Assessment dated 4th December 2014
Landscape and Ecology Mitigation Proposals – Landscape Design Strategy dated 11 December 2014
Construction Traffic Management Plan dated November 2015

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

Highways

- 3) Prior to the commencement of development, off-site works to provide vehicular access to the site by the completion of the fourth arm of the Langley Park roundabout together with associated pavement and pedestrian crossing shall be completed in accordance with approved plan no. 15-T047 06.2.

Reason: In order to facilitate construction traffic and vehicular access to the site.

- 4) Prior to the commencement of development, full details of connection to the cycle network together with details of upgrading and surfacing materials to the PROW to accommodate cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: In order to reduce the reliance on the private car and provide an alternative form of transport to increase permeability through the site..

- 5) Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure connectivity of the site to surrounding sites, paths, improved public transport facilities and local services.

- 6) Prior to commencement of work on site there shall be provision for construction vehicle loading/unloading and turning facilities prior and parking facilities for site personnel and visitors and for the duration of construction.

Reason: In the interests of highway safety.

- 7) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

Landscaping

- 8) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.
- i) Details of the measures to protect the 15metre buffer area between the development and the ancient woodland of Bicknor Wood.
- j) Details of the measures to ensure connectivity is retained between the reptile receptor site and proposed development through a habitat and wildlife corridor to ensure that reptiles can re-colonise the site once construction works have been completed.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers fully functioning biodiversity objectives. The approved plan will be implemented in full accordance with the approved details.

- 9) No development shall commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with details of enhancement, boundary strengthening, buffer zone

planting and measures for their protection in the course of the development and programme for maintenance. The submitted details shall include, inter alia, the following using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines :

- i) Means of protection from strimmer and mower damage; and
- ii) Details of tree planting pits for street trees, including root guidance systems to avoid disruption of surfaces and services.
- iii) Use of a minimum of nursery standard size trees of appropriate native species for street tree planting within the development and at turning heads.
- iv) A mix of scrub and grassland meadow to the 15 metre buffer between the development and the ancient woodland.

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

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

- 10) Prior to commencement of development, full details of the alignment of public footpath PROW KM94 together with surfacing material details shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling

Reason: The submitted plan no 22663A/SK01 does not show the definitive alignment of the PROW and to ensure good quality connectivity through the site.

Ecology/Trees

- 11) No works required in association with the planning permission hereby granted shall take place (including demolition, ground works and vegetation clearance) shall take place until an ecological design strategy (EDS) addressing all species mitigation (for all species recorded within site) has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works; and
- b) Review of site potential and constraints; and
- c) Detailed method statements to achieve stated objectives for each species; and
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans; and
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance; and
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; and
- g) Persons responsible for implementing the works; and
- h) Details of initial aftercare and long term maintenance; and
- i) Details for monitoring and remedial measures; and
- j) Details for disposal of any wastes arising from works.

k) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies and retention of cordwood on site

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity and ecology.

- 12) No works required in association with the planning permission hereby granted shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of biodiversity, ecology and residential amenity.

- 13) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

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

- 14) Tree T9 as shown on the submitted bat survey plan shall be felled immediately following the precautionary mitigation strategy detailed within the bat survey report.

Reason: In the interests of protecting and enhancing protected species in and around the site.

- 15) Prior to any works commencing (including vegetation clearance) a badger survey must be carried out and submitted to the LPA for approval. The badger survey must provide details of mitigation to avoid impacting badgers or badgers setts during the construction or operational phase of the development. The works shall be carried out in accordance with the agreed mitigation.

Reason: In the interests of protecting and enhancing biodiversity in and around the site.

- 16) Prior to the development reaching slab level, full details of bat roosting features and bird nesting opportunities within the site shall be submitted to and approved in writing by the local planning authority. The work shall be implemented in accordance with the approved details.

Reason: In the interests of protecting and enhancing biodiversity in and around the site.

- 17) The development shall not commence until details of any external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter.

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

Materials

- 18) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings, hard landscaped surfaces and road surfaces have been submitted to and approved in writing by the Local Planning Authority. Materials used shall include but not limited to clay hanging and roof tiles, painted weather boarding, locally sourced brick reflecting local vernacular, ragstone walls and plinths, painted render and pallet of colours to be used. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 19) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, the provision of a minimum of two pedestrian access points from the residential development hereby permitted along the south eastern boundary, and a minimum of three pedestrian access points between the residential development hereby permitted and the area of public open space to the north west of the site. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the enjoyment of their properties by existing and prospective occupiers and secure adequate pedestrian permeability between residential properties and public open space.

Other

- 20) The development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until adequate foul water drainage has been provided;

Reason: In the interest of pollution prevention.

- 21) The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- 22) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- 23) No infiltration of surface water drainage into the ground, other than that allowed under the sustainable surface water drainage scheme approved under condition 19 above, 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.

Reason: To prevent pollution of the environment and protect controlled waters

- 24) No development shall take place until the following has been secured:

- 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.

- 25) The development shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. This condition is necessary to protect the underlying aquifer from potential contamination risks.

- 26) 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The

remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: In the interests of human health and pollution prevention.

- 27) The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

Reason: In order to achieve a high standard of design and contribute towards achieving the NPPF environmental role of sustainability, supporting the transition to a low carbon future and encouraging the use of renewable sources.

Case Officer: Richard Elder

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

SE Maidstone Highway Mitigation Apportionment Table - based on suggested pro rata contributions to deliver Highway Mitigation for each site.

Schedule	Scheme	Importance	Cost	Cost notes	Funds secured	Gap	No. Contributions	Planning ref.	Site name	Funding	Status	Notes
Transport	Bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction	Critical	100 - £3,840,000	Motts corridor analysis - taking the higher option due to potential cost hikes	£2,688,000 of which £2,422,200 is available for bus measures	Taking the higher figure of costs for mitigation - shortfall of £1,417,000	3	MA/13/1149 MA/13/0951 MA/13/1523	Langley Park (H1-5) N Sutton Road (H1-6) W BF Cottages (H1-6)	1,800,000 558,000 330,000	Committed Committed Committed	TW paid first £450,000 to KCC Bellway have paid £621,569.62 to KCC
	PROPOSED					shortfall of £1,417,000 as above	5	MA/15/509015 MA/15/509251	Land South of Sutton Road (H1- 800 units x 10) Land North of Bicknor Wood (H1-7)	£1350=£1,080,000 250 units x £1350 = £337500	to be delivered by S106	shortfall divided by 1050 homes (both allocations) = £1,350 per dwelling
	Willington Street/Wallis Avenue and Sutton Road	Critical	KCC (Ameys scheme) - £1,800,000, Countryside see Countryside costing sheet	KCC scheme - £1,534,200, Countryside £1,016,880	268,800		3	MA/13/1149 MA/13/1523 MA/13/1523	Langley Park (H1-5) W BF Cottages (H1-6) W BF Cottages (H1-6)	180,000 30,000 33,000	Committed Committed Committed	Currently proposed to be provided via LGF funding but could be incorporated in apportionment process if necessary
	PROPOSED			Agreed at meeting on 11.05.16 with all developers that higher KCC costs would be used for apportionment.		shortfall as £1,531,200 above	5	MA/15/509251 MA14/506264	Land North of Bicknor Wood (H1-7) Bicknor Farm (H1-9)	250 units x £2,945 = £736,250 271 units x £2,945 = £798,095	to be delivered by S106 to be delivered by S106	shortfall divided by 521 homes (both allocations) = £2,938 per dwelling
	Junction 7 - signalisation	Critical	13/1163 -s106 signalisation	PROPOSED SIGNALISATION of Junction	Clause 14.2 of S106	No costing identified - just provision	1 currently - 2	MA/13/1163 MA/15/509015	Maidstone Medical Campus Land South of Sutton Road (H1-	No funding - S106 1,460,000	Committed to be delivered by	£1,460,000-800 = £1,825 per dwelling
	A229/A274 Wheatsheaf junction	Critical	483,000		714,000	-231,000	3	MA/14/503167 MA/12/0986 MA/12/0987	Cripple Street KP Training (H1-28) KP HQ (H1-27)	108,000 270,000 336,000	Committed Approved Approved	split between SE6/HTUA1 and already funded split between SE6/SE7 split between SE6/SE7
	the A274 Sutton Road	Essential	2,700,000	Revenue to be deducted	0	2,700,000						
	PROPOSED						3	MA/15/509015 MA/14/506264	Land South of Sutton Road (H1- 10) Bicknor Farm (H1-9)		to be delivered by S106 to be delivered by S106	Land South of Sutton Road 800 x £1793.75 per dwelling = £1,435,000 contribution towards shortfall 271 x £1,350 per dwelling = £365,850
	A229 Loose Road/Park Way/Armstrong	Critical	236,789	Costing provided by Allen Dadswell - off site highway improvements. Costing divided by allocated sites 1120 dwelling	0	236,789	4	MA/15/509015	Land South of Sutton Road (H1- 10) New Line Learning, Boughton Lane (H1-29) Boughton Lane, Boughton Monchelsea and Loose (H1-53) Boughton Mount, boughton Lane H1-54)		to be delivered by S106 to be delivered by S106 to be delivered by S106 to be delivered by S106	Land South of Sutton Road 800 x £211.42 per dwelling = £169,136 New Line Learning - 220 x £211.42 per dwelling = £46,512.4 Boughton Lane, Boughton Monchelsea 75 x £211.42 per dwelling = £15,856.50 Boughton Mount, 25x£211.42 per dwelling = £5,285.50
	A20 Ashford Road/Willington Street	Critical	198,877	Costing provided by Allen Dadswell - off site highway improvements	0	198,877	2		Land South of Sutton Road (H1- 10) West of Church Road, Oatham (H1-8)			Land South of Sutton Road 800 x £160.4 per dwelling = £128,320 West of Church Road - 440 x £160.4 per dwelling = £70,576

Highway Mitigation Cost Apportionment
 Land South of Sutton Road costs per dwelling £1,825 per dwelling for J7, £1,350 per dwelling for bus prioritisation, £1,793.75 per dwelling for Bus Services along A274, £211.42 per dwelling for A229 Loose Road/Park Way/Armstrong Junction and £160.4 per dwelling for A20 Ashford Road/Willington Street Total £5,340.57 per dwelling.
 Bicknor Farm - £1,350 per dwelling for bus service, £2,938 per dwelling for Willington Street, TOTAL £4,288 per dwelling.
 Land North of Bicknor Wood - £2,938 per dwelling for Willington Street and £1,350 per dwelling for Bus Prioritisation along A274, Total £4,288 per dwelling.

Agenda Item 14



15/505906 - Graft Green Garden Centre
Scale: 1:2500
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REPORT SUMMARY

REFERENCE NO - 15/505906/FULL			
APPLICATION PROPOSAL Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
ADDRESS Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
RECOMMENDATION: Refuse			
SUMMARY OF REASONS FOR REASONS FOR REFUSAL Notwithstanding additional details provided by the applicant in response to the deferment authorised by the Planning committee of 2 nd June 2016, the proposal remains a departure from the Development Plan in that it would: <ul style="list-style-type: none"> • Be contrary to Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP), located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside; • Be contrary to Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations, and; • That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF; 			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Matter deferred from 2nd June 2016 Committee • The proposal is a departure from the Development Plan • Referral by Boughton Malherbe Parish Council 			
WARD Headcorn	PARISH/TOWN COUNCIL Boughton Malherbe	APPLICANT SQE Grafty Green Ltd/Quinn Estates AGENT DHA Planning	
DECISION DUE DATE 09/11/15	PUBLICITY EXPIRY DATE 09/11/15	OFFICER SITE VISIT DATE 11/03/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987
<i>Summarise Reasons</i>			

82/1143	Change of use of glasshouse area to retail garden centre	Approved	18/08/1983
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MAIN REPORT

1. Overview and Reasons for Deferral

- 1.01 The Officers case and recommendation for refusal of planning permission together with reasons for refusal were given in full in their report presented to the 2nd June 2016 Committee. This report attached as Appendix 1.
- 1.02 Members deferred the application in order to seek amendments that:
That with acceptance of the apportionment of contributions set out in paragraph 14.5 of the report of the Head of Planning and Development, consideration of this application be deferred for one cycle to seek the following amendments to the scheme:
- The apex corner by Crumps Lane to be demarcated from the residential curtilages and to be a flood attenuation and natural habitat receptor site and the gardens on the west side to be cut in half and the western boundary demarcated as an open woodland landscape buffer/semi-natural state receptor site
 - That when the application is reported back to Committee a full set of proposed conditions and draft Heads of Terms must be included to assist Members should they be minded to grant delegated powers to approve.
- 1.03 In response to this, the applicant has submitted a Landscape Strategy Drawing 2243/15/B/3A which indicates amendments to the scheme in response to the members minuted comments on 2nd June; the main amendments are as follows:
- Provision of a wildlife receptor area and wetland ponds in the south east corner of the site bordering Crumps Lane. This is to be separated from the rest of the development by a post and rail fence and proposed tree and hedge planting;
 - Segregation of a half acre strip of land, located on the western boundary of the site, to provide for a receptor buffer. The buffer would be formed of a rough managed grassland sward with planting of hawthorn and other suitable native species to be agreed and be provided with hibernacula and other wildlife habitats. The gardens to plots 1 – 3 would be considerably reduced in size and separated from the sward by post and rail fencing designed to facilitate the free movement of animals across the boundary
- 1.04 Other amendments to the proposed landscape strategy include:
- Access onto shared ownership land including the sward on the western boundary and woodland areas located on parts of the southern, eastern and northern boundaries;
 - Provision of a wildlife corridor within existing tree cover along part of the northern boundary;
 - Additional tree and hedge planting to be carried out along the estate roads and also on the internal boundaries of the properties;

- Provision of a scheme of sward management, coppicing and thicket maintenance, to areas of established woodland with additional planting where necessary to develop wildlife corridors within the site particularly between the wetland area located in the south eastern corner and the western sward and woodland area.

2.0 Section 106 Proposed Heads of Terms

2.01 The applicant has submitted their amended suggested Heads of terms to any future Section 106 agreement should members be minded to grant planning permission (appendix 2); In summary, these are;

1. Payment of a £50,000.00 sum to the Boughton Malherbe Parish Council to facilitate the purchase of land to create a village car park as a community infrastructure project;
2. £190,000.00 contribution towards the provision of affordable housing within the borough, payable in phases
 - 50% payable on the occupation of the 5th dwelling in the site;
 - The balance to be paid on or before the occupation of the final dwelling on the site;
3. £18, 863.00 payment towards primary healthcare in the area;
4. £33,053.00 towards the provision of primary education;
5. £22,050 payment towards public open space provision;
6. £672.00 contribution towards library book stock;
7. The setting up of a management company or companies as part of the development that would be parties to:
 - i. The transfer of dwellings on the land, and;
 - ii. Enter into the sale or leases of the commercial units on the land
8. The establishment of a Travel Plan during the construction period to limit HGV movements through Liverton Hill;

3.0 PLANNING CONSTRAINTS

None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

5.0 LOCAL REPRESENTATIONS

As in the Committee Report presented 2nd June 2016

6.0 CONSULTATIONS

As in the Committee Report presented 2nd June 2016

7.0 BACKGROUND PAPERS AND PLANS

Drawings : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3A; 2243/15/B/4

Documents: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

8 APPRAISAL

- 8.1 The details contained within the amended Landscape Strategy drawing 2243/15/B/3A only address, in part, the main issues raised by members, as minuted at the 2nd June Committee.in respect of the provision of a wetland area in the corner of the site adjacent to Crumps Land and the use of substantial areas of the gardens on the western boundary as an open woodland landscape buffer and semi-natural receptor.
- 8.2 As well as the landscaping detailing to the wetland area located on the corner of Crumps Lane and Headcorn Road, western boundary, landscape improvements are also proposed within the submitted Landscape Strategy drawing that would serve to provide and enhance wildlife corridors, particularly to link these two parts of the site and; along the northern boundary edge. This fails to utilize half of the garden area of the dwellings on the western boundary as required in the committee minutes of 2nd June. However, the applicant maintains that the proposed landscape strategy overall provides an opportunity to reinforce all the site boundaries, where necessary, by the planting of appropriate tree end hedge species such as alder buckthorn, common hawthorn; holly, hazel and aspen to reflect the prevailing character of the surrounding nearby woodland. Again, post and rail fences can be considered for use to facilitate free animal movement to and from the site.
- 8.3 A scheme of sward management & maintenance; planting, coppicing and thicket management could be put in place so as to develop wildlife corridors not only between the two main buffer areas located in the western woodland area and in the wetland area on the corner of Crumps Lane but also throughout the site and this can

be further facilitated by the erection of post and rail fencing designed to allow through access to animals throughout the site.

8.4 As well as the use of low-key lighting within the site which has already been included within the scheme, consideration is also given to

- Use of solar panels on the buildings;
- Bat and bird bricks
- Use of bound gravel rather than tarmac on road surfacing;
- Phasing in respect of delivering landscape zones and buffering

8.5 Notwithstanding the additional landscape information provided by the applicant, Officers maintain that the full extent of the Committee requirements have not been addressed in the amended Landscape Strategy presented particularly in its failure to substantially reduce by half the garden areas to plots s 1 – 3 and demarcate the separated land as an open woodland landscape buffer/semi-natural state receptor site. As such, the principles underlying the original reasons for refusal in respect of landscaping and layout remain in place and are not addressed by any subsequent submissions made by the applicant during the deferral period.

8.6 Officers maintain that the location of the site in a geographically isolated area within open countryside outside of and some distance from any defined settlement remains the same as before. The development is therefore subject to the saved MBWLP Policy ENV28 and does not fit into any of the permitted exceptions relating to development in the countryside. Therefore the proposal represents a departure from the Development Plan. Within this context officers continue to maintain that 14 dwellings located on this site would be compromised in terms of their sustainability by being located of sufficient distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. As such, the proposed development is unable to be considered as providing for a sustainable location for residential development in the terms and guidance contained within the NPPF.

8.7 Officers also maintain that in terms of design and layout, the development would fail to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. The scale of the dwellings and plot layout provide for a suburban street pattern that would not be indicative in terms of its scale or, acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development does none of this, and, even with the additional landscaping and some measures to augment biodiversity, as proposed in the amended Landscape Strategy, the development would fail to meet design guidance for rural development laid out in this paragraph.

8.8 In respect to the applicant seeking to retain the £50,000.00 contribution toward the village hall in their draft heads of terms for a S106 agreement, officers maintain that such a contribution would not be directly related or necessary for the development and such funds should instead be prioritized toward providing for an overall

affordable housing contribution totalling £240,000. Without this, an inadequate contribution would continue be made toward affordable housing contrary to the Council's Affordable Housing DPD.

- 8.9 Therefore should members be minded to approve this application Officers would recommend that the following heads of terms to any Section 106 agreement be applied to any planning permission that may be granted that would take into account the re-allocation of monies away from the village hall and added to the affordable housing contribution

Affordable Housing

A lumps sum contribution of £240,000.00 towards affordable housing provision off-site

Primary Education

A lump sum contribution of £33,053 toward the provision of primary education

NHS Provision

A lumps sum of £18,864 towards NHS Provision

Public Open Space

A lumps sum of £22,050.00 towards off site provision of public open space

Library Book Sctock

A lumps sum of £ 672.00 towards library book stock

- 8.10 Therefore, the reasons for refusal of the application originally presented to 2nd June 2016 Committee for their consideration reiterated in this report remain relevant. Should, after due consideration, the members be minded to grant planning permission recommended conditions are attached to this addendum report as appendix 2.

9.0 RECOMMENDATION – REFUSE for the following reasons:

Reasons for refusal

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV 28 and saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and; also be contrary to

paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.

3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a sustainable location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

INFORMATIVES

Case Officer: Tom OConnor

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

REPORT SUMMARY

REFERENCE NO - 15/505906/FULL			
APPLICATION PROPOSAL			
Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
ADDRESS Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
RECOMMENDATION – REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION-REASONS FOR REFUSAL			
<p>1. The proposal is a departure from the Development Plan in that it would be contrary to</p> <ul style="list-style-type: none"> • Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP) in that it is located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside and; • Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations. • That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF; 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • The proposal is a departure from the Development Plan • Referral by Boughton Malherbe Parish Council 			
WARD Headcorn	PARISH/TOWN COUNCIL Boughton Malherbe	APPLICANT SQE Grafty Green Ltd/Quinn Estates AGENT DHA Planning	
DECISION DUE DATE 09/06/16	PUBLICITY EXPIRY DATE 09/11/15	OFFICER SITE VISIT DATE 11/03/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987

<i>Summarise Reasons</i>			
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82/1143	Change of use of glasshouse area to retail garden centre	Approved	18/08/1983
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MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 This site broadly occupies the footprint of the former Grafty Green Garden Centre, some 4ha in area that operated a market garden and retail garden centre from the site between 1982 to its closure in March 2015. Topography of the site is relatively level with the northern boundary benefiting from a dense tree screen. Though now abandoned, the buildings and fabric of the garden centre remains largely in place with the larger part of the site consisting of glass houses, growing shed and sales areas of the garden centre, some 6200sqm. Buildings on site are now in a poor condition overall, with the remainder of the site utilized for overspill parking and the storage of caravans. Two accesses serve the site from off Headcorn Road and Crumps Lane respectively.

1.2 Though a brownfield site, the setting is predominantly rural countryside with some sporadic isolated housing some distance from the nearest small settlement at Grafty Green located 1km to the north east.

1.3 Larger Key settlements in the wider locality with a full range of services are in excess of 5km distant located in Lenham and Headcorn containing services such as convenience stores and doctors, railway stations and access to more regular bus services. Smaller villages such as Ulcombe (2.7km) and Platts Heath (3.1km) are geographically closer to the site and offer a more limited range of services including primary schools and village shop. The nearest secondary schools are located some 10km distant at Maidstone. An infrequent bus service passes runs from Grafty Green to Maidstone via some of the local villages.

1.4 In terms of flood risk, the site is located in the EA Flood Risk Zone 1 with a low (1 in 1000) annual probability of flooding.

1.5 Location is within the Low Weald Special Landscape Area

2.0 PROPOSAL

2.1 It is proposed to demolish the existing garden centre buildings and redevelop the site for 14 new dwellings and a single 512sqm, 2 storey office development located to the south of the site. The layout drawings shows the five bedroom two storey dwellings, each within a substantial curtilage ranging from 1.06acres (Plot 1) with the smallest providing still substantial garden areas of 0.35acres (Plots 5 – 6 and 8 – 11) Each plot would contain a detached double garage with the potential to provide for ancillary living accommodation available for use in the roof space. Layout is centred on two curved estate roads sourced from a common existing entrance from Crumps Lane with the existing road junction onto Headcorn Road also utilized to provide an egress only onto the highway system at Headcorn Road

2.2 The 512sqm office building would be located at the southern part of the site fronting Crumps Lane and consist of a semi hexagonal two storey building with two office spaces on each floor separated by centrally positioned common utilities and service areas. 25 commercial parking spaces would be provided within the curtilage to service this building

2.3 In terms of construction materials each of the buildings would use the following in common:

- A red stock facing brick
- Grey Oak facing board
- Either a grey tile or grey slate roofing material
- Timber windows and doors

2.4 The existing dwellings at Wellington Lodge and Gate House would be retained respectively on the north eastern and southern edges of the development adjacent to the entrances.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

4.0 PLANNING CONSTRAINTS

None Relevant

5.0 CONSULTATIONS

5.1 **Boughton Malherbe Parish Council** – No objection. Request that the matter be referred to full committee if officers minded to refuse.

5.2 **KCC Flood Protection** – No objections to the proposed drainage in principle and the proposed reduction of peak flows compared to that of the existing site is welcomed.: Accordingly, should your Authority be minded to grant permission to this development, we would request that the following Conditions are attached in respect of SuDS, implementation, maintenance and management of the sustainable drainage scheme and control of surface water to avoid risks to controlled waters.

5.3 **Kent Police: Object to the proposal;** Specific reference to crime & disorder and fear of crime referred to para.57 of the NPPF has been omitted. **Natural England – No objection** Comments dated 20th August 2015

5.4 **KCC Highways:** No objection to this application subject to the following conditions.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway.

5.5 KCC Economic Development:

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

5.6 KCC Archaeologist: No comments

5.7 Upper Medway IDB: No objections subject to conditions pertaining to surface water drainage.

5.8 MKP Environmental Protection: No Objection: The developer should be encouraged to install electric vehicle rapid charging points. Request conditions in respect of Land contamination risk assessment to be undertaken and remediation measures in respect of any contamination identified during demolition.

5.9 MBC Economic Development Officer: Support the application: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application supports these fundamental planning policies. These principles are reflected in Policy DM1 in the Regulation 18 Local Plan which encourages the use of brownfield land so long as the site is not of high environmental value, which this application site is not deemed to be. This proposed application provides the potential for 5,513sqft of employment space in a rural location, offering the opportunity to counter the loss of jobs following the closure of the Grafty Green Garden Centre. This would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. Good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Lo Plan. This situation has deteriorated as the Borough has seen a significant reduction in the volume of office space lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent. The Council has received 57 prior notification applications for conversions of offices to residential use since June 2013. Should all these offices be converted the potential loss of office space could exceed 150,000 sq. ft. Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in

Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

5.10 MBC Housing Officer

It should be noted that in the progress of this application, the applicant has substantially increased their offer in respect of commuted sum for affordable housing, initially set at £34,000, to £190,000

The Councils adopted policy on affordable housing (Policy AH1 – adopted December 2006)

Below is a summary of what the Councils Housing team's position is with regards to the above planning application

Firstly, in the applicants email dated 11 May 2016 they have set out the latest total contributions, namely:

· Village Hall -	£50,000
· Broadband -	£50,000
· Affordable Housing -	£190,000
· NHS -	£18,864
· Primary education -	£33,053
· Public Open Space	£22,050
· Library Book stock -	£672
· TOTAL -	£364,639

As has previously been highlighted, the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing, therefore these amounts should be included within the affordable housing provision. Furthermore, as the local planning authorities number one priority for s.106 contributions, affordable housing contributions should therefore be prioritised above the amounts quoted above for NHS (£18,864) and Primary Education (£33,053) as well

With the above comments in mind, Housing believe that the off-site affordable housing contribution for this scheme should be given priority over the other contributions listed and should be at least £341,917, made up as follows:

Affordable Housing	£190,000
Village Hall	£50,000
Broadband	£50,000
NHS	£18,864
Primary education	£33,053

5.11 KCC Ecology

We have reviewed the ecological information submitted and we are satisfied that sufficient information has been provided to provide a good understanding of the ecological constraints associated with the proposed development. The submitted surveys confirmed that the following species/species groups are present:

- At least 4 species of foraging bats
- Grass snake and Common Lizard (insufficient survey visits were carried out to establish population size)

In addition the surveys confirmed there was suitable habitat present on site for breeding birds and hedgehogs.

Reptiles

The surveys have confirmed that grass snakes and common lizards are present on site and detailed that a translocation will need to be implemented prior to any works commencing on site. The mitigations strategy has detailed that the reptiles will be translocated to an area within the east of the site. While we support the intention to create an onsite receptor site it cannot be created within residential gardens as there is no guarantee that future residents will manage the receptor area to retain suitable reptile habitat. We advise that if planning permission is granted an updated reptile mitigation strategy is produced and submitted as a condition of planning permission.

In addition to the information submitted within the original report it must include the following:

- Map showing the location of the receptor site.
- Confirmation that it is not included within the residential gardens
- Timings for the proposed receptor site (including ecological enhancement works)
- Management plan for the receptor site and an undertaking by the applicant that it will be implemented as part of the site management works.
- Details of long term monitoring

Bats

The activity surveys have confirmed that at least 4 species of bats are foraging within the site – particularly around the boundary of the site. The site plan clearly shows that the site boundaries will be retained if planning permission is granted. As detailed within the report, the lighting for the proposed development must be designed to minimise impact on foraging and commuting bats. We recommend that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). Precautionary Mitigation The report has highlighted that there is suitable habitat on site for breeding birds and hedgehogs which may be negatively impacted by the construction of the proposed development (if granted). We recommend that the precautionary mitigation for breeding birds and hedgehogs (phase 1 survey) is implemented if planning permission is granted.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The ecological enhancements recommended within the phase 1 survey must be implemented if planning permission is granted. In addition we recommend that integrated bat boxes are incorporated in to the new buildings.

5.12 **Southern Water:** Require a formal application for a connection to the public sewer.

5.13 **UK Power Networks:** No Objection

6.0 Local Representations

A site notice was displayed on the site on 11th August 2015. Six letters have been received from local residents, two in support of the application and four objecting to the proposal on the grounds of:

- Drainage issues extant on the site; incidences of local flooding;
- Crumps Lane being unsuitable as an access to residential development
- Availability of industrial and office sites elsewhere in the vicinity;
- Residential development of the site would substantially increase traffic flows within the locality beyond the capability of the local highway network to cope.

7.0 BACKGROUND PAPERS AND PLANS

7.1 **Drawings** : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3; 2243/15/B/4

7.2 **Documents**: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

8.0 APPRAISAL

8.1 Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this Borough the Development Plan remains the saved policies of the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan.”*

8.3 Located where it is within open countryside, outside of a defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and as such, the proposal represents a departure from the Development Plan.

9.0 Five Year Land Supply

9.1 Outside of the Development Plan, the National Planning Policy Framework 2012 (NPPF) sets out the key material considerations in respect of the determination of applications for residential development in the open countryside. In this respect paragraph 47 of the NPPF advises that Councils should;

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

9.2 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

9.3 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

9.4 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

9.5 Now submitted to the Inspectorate for examination, the emerging policies of the new Local Plan are now considered to carry significant weight in the consideration of applications.

10. Sustainable Development

10.1 As indicated by way of justification by the applicant in their submission, the then lack of a five year supply at the time of submission was cited as a significant factor in the justification of the principle of this application under para. 49 of the NPPF which required that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as

ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date where a five year supply cannot be demonstrated. However, the 5 year land supply has now been demonstrated in the recent submission of the Local Plan for examination by the Inspectorate. Therefore, though the presumption in favour of **sustainable** development identified in paragraph 14 of the NPPF remains, Maidstone Borough Wide Local Plan (2000) Policy ENV28 is once again relevant and a material policy consideration in the assessment and determination of this application for residential development located outside of settlement boundaries and within the countryside.

10.2 Located some distance outside of the settlement boundaries of the smaller villages listed in Policy H27 of the Borough Wide Local Plan or even within 10km of any of the larger villages (Policy H28) insufficient justification has been made in this application for the residential development in the countryside; for instance, the provisions for dwellings reasonably considered necessary for the purposes of agriculture or forestry or any other policy exception that might be considered acceptable elsewhere. As such, this development is clearly contrary to the requirements of Policy ENV28 of the Maidstone Borough-Wide Local Plan in respect unsuitable residential development in the countryside. No allocation has been made for the development of this site in the emerging Local Plan recently submitted to the Inspectorate.

10.3 The remoteness of the site is one of its defining characteristics. For instance, the closest settlement is Grafty Green, a small rural settlement some 2km distant containing a rural shop/post office and a public house. Further afield the nearest main settlements identified as Rural Service Centres (RSC) in the settlement hierarchy laid out in the draft Local Plan under draft policy SP3, are at Headcorn 5.1km distant and Lenham at 6.4km distant.

10.4 The applicant raises in their submission that the vehicular traffic generated by the proposed residential development is likely to be significantly less than that generated by the garden centre when it was in operation. However, the type of journeys that would have been generated by visitors to the garden centre retail outlet would have been materially different from those of the residential units proposed. As a shopping destination, the garden centre would have been the destination for customers and suppliers visiting the site and the end point of these specific vehicle journeys. Residential development centred on this site would necessitate both short haul and longer vehicular journeys even to serve the most basic needs of the residents.

10.5 In terms of its relationship with other settlements with core services, the development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements of Grafty Green (2km), Ulcombe (2.7km) and Platts Heath at 3.1km. Local bus service connections are infrequent (3 journeys per day) passing the site Mondays to Saturdays but with no service on Sundays and, as previously indicated, the closest secondary schools are located some 10km distant in Maidstone.

10.6 Within this context, it is considered that dwellings on this site would be compromised in terms of their sustainability by being located at a distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. Notwithstanding its non compliance with saved Policy ENV28 of the adopted Borough Wide Local Plan (2000), this site would otherwise be unable to be considered **sustainable** location for residential development in the terms of the NPPF and draft Local Plan.

10.7 The NPPF encourages residential development to be located in or close to village settlements where their presence would serve to promote and serve local services, in

compliance with paragraph 70 of the NPPF with isolated locations such as the former garden centre at Grafty Green avoided unless there are exceptional circumstances.

10.8 The bringing forward of such a low density development of 14 dwellings on a 4ha site would result in a development of some 3.5 dwellings per hectare site. Notwithstanding its location occupying a largely brownfield site within the open countryside, the proposal would arguably fail to make any significant contribution to either the local or to the borough wide housing supply. However, paragraph 50 requires the delivery of a wide choice of high quality homes that are able to widen opportunities for home ownership and enable the creation of sustainable, inclusive and mixed communities.; plan for a mix of housing based on current and future demographic trends and needs of different groups within the community; identifying, the size, type, tenure and housing that is required on particular locations to reflect the local demand and, where a need is identified, contain a provision for affordable housing either on or off site if on site provision is not practicable. The application for the low density development as proposed would not satisfy any of these provisions.

11.0 Design and Layout of Residential Development

11.1 The applicants claim that this low density development would respect the character of the area and respect the character of the local landscape is not borne out in terms of densities and layout that would appear to be arbitrary and unrelated either to the context of the site or sense of place within its countryside location. Indeed, part of the development would extend beyond the brownfield land onto previously undeveloped land (Plots 1, 2, 3, and 4) to the west of the proposed junction with Crumps Lane.

11.2 The applicant offers no clear rationale for the use of such low residential densities, across the site other than it would replace a redundant and contaminated commercial facility with a niche development of 14 dwellings. A case is put in the design and access documents and the Planning Statement for the redevelopment of the garden centre which used to operate from the eastern end of the site to be considered the redevelopment of previously developed land. However, the western end of the site within the application site remained as greenfield land.

11.3 The Design & Access Statement makes references on page 12 of this document to local character influences. However, other than the garden centre to be demolished, the local character of the location is determined by an open countryside of enclosed fields interspersed with isolated dwellings and farmsteads well spaced apart, set within the backdrop of the nearby Greensand Ridge and; where the predominant commercial activity remains agriculture.

11.4 The proposed development in the form of an isolated estate of large five bedroom dwellings fails to reflect local distinctiveness in terms of road layout, density, scale of the dwellings plot layout, aspect and orientation paying little regard to the rural pattern of development. Arguably, in terms of the scale; design & type of dwelling ; layout; the setting out of the internal road network ; and layout of both the peripheral and internal boundary landscape; reflects a suburbanised character that is clearly out of place within its rural setting within the Kentish Countryside. Though the existing hedges and tree screens are to be retained on the perimeter of the development, gaps exist in places with the application proposing minimal tree planting along the roads where only a hedge boundary is shown. Existing screening of the site is therefore partial and views of the dwellings from outside of the site will take time to be softened by possible later planting by future residents leaving the large properties proposed visible from the existing lanes until any such planting matures. Though the minimal hedge and tree planting to the internal boundaries would result in less than robust screening between dwellings this, again, could be augmented by

subsequent planting of garden plants by future occupiers and, in any case, distances between each dwelling and their orientation would be successful in any case in preventing any loss of residential amenity by mutual overlooking of private areas of main windows.

11.5 The road layout and distribution of development appears to pay little regard to the rural pattern of development. The curving layout of the access road is not a characteristic of the local area and appears arbitrary and gives the new development a very suburban feel. It is not the best or most appropriate response to this rural location. This site planning also creates large areas of hard standing in front of buildings.

11.6 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also, to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

12. Office Development

12.1 The MBC Economic Development Officer argues that this would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. He also advises that good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Local Plan. He cites a loss of office accommodation lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent.

12.2 Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

12.3 Some concern has been raised by the Design South East in respect of the commercial space not being sufficiently integrated or otherwise relating well with the residential part of the development. However, this site has, until its closure in 2015, was consistently operated commercially as a sui generis mixed use garden centre since the 1980's providing local employment in terms of the horticultural, sales and other ancillary uses such as the café. This application would seek to retain and an important employment use on part the site.

12.4 In terms of its design, materials and overall external appearance, the mainly two storey building would reflect in terms of its roof and window lines, the scale and character of the proposed dwellings proposed within the wider residential estate with external finishes of timber facing board and slate roofs reinforcing the built connection with the wider built

scheme. Though integrated into the overall scheme the office would be located within its own compound with both the building and car parking area benefiting from a dense tree and hedge screen

12.5 At the heart of the National Planning Policy Framework is the ubiquitous presumption in favour of sustainable development with paragraph 7 of the NPPF providing the three dimensions required for sustainable development which are its roles in relation to the economy, social well being and the environment. In this, the provision of 512sqm of offices would, in respect of supporting the rural economy, comply with guidance contained in paragraph 28 of the NPPF in terms of supporting the sustainable growth of enterprise in rural areas by the re-use of previously developed brownfield land. These principles are reflected in Policies DM1 & DM4 of the emerging Local Plan which respectively support the principles of good design in respect of the office development and encourages the use of brownfield land so long as the site is not of high environmental value.

12.6 In providing for 512sqm of employment space in a rural location, the proposed development would allow for the opportunity to counter the job losses within the locality from previously generated by the closure of the Grafty Green Garden Centre. Arguably, this would contribute toward achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015.

13.0 Contamination

13.1 The applicant has maintained that the use of the site for 14 dwellings together with an office development, would serve to re-use and restore a contaminated brownfield of some long standing within the locality and the dwellings proposed would be an acceptable and sustainable alternative use of the site. Given the use of the site as a garden centre for a period of over forty years, concentrations of chemical fertilisers would have been used leaving a deposit of residual contamination. The applicants Geo-Environmental investigation indicates that substantial ground works would need to be undertaken in accordance with industry standards in respect of the disposal of contaminated waste.

13.2 A Refurbishment and Demolition Asbestos Survey undertaken by the applicant identifies substantial use of asbestos materials within the site in the construction of buildings in items such as corrugated roof sheeting; barge boards and cladding of external walls. In addition asbestos was used on a substantial number of ancillary items such as electrical fuse boxes, flooring down-piping and protection strips, external gutters, wall tiles and roof tiles. After demolition, of these materials would need to be undertaken in accordance with industry standards in respect of the disposal of contaminated waste.

13.3 Though clearance of contaminants from the site is a laudable aim in itself, the proposal fails to justify an otherwise unsustainable form of development in terms of its isolated location within the countryside.

14.0 Commuted Sums/Affordable Housing Provision

14.1 The overall commuted sums made available, in the region of £364,639, have been examined and 'pressure tested' by the valuers appointed by the Council and in their view the sum offered is viable in respect of this site

14.2 Paragraph 49 of the NPPF urges local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including rural exception sites such as the former Grafty Green Garden Centre, where appropriate. Authorities are also advised, within these circumstances to consider whether allowing some market housing on sites such as these would, in turn, facilitate the provision of significant additional affordable housing to meet local needs.

14.3 Development of this size and scale would therefore be expected to generate a commuted sum toward housing which in terms of the Affordable Housing SPD is set at 40/% affordable housing provision of the houses built. Of these, 60% would be for rental with the rest available for shared ownership. This equates to 4 affordable rent units and 2 shared ownership units Given the size, value and low density of the proposed development the council was amenable to negotiate an alternative arrangement based on the provision of, say, affordable houses off site of a size and scale more commensurate for use by the average family..

14.4 No allocation of land to provide for affordable housing provision has been made upon the site though, as a site of over 0.5ha, it would usually be required under the Councils Affordable Housing DPD. Overall provision has been made for commuted sums totalling £364,639 has been made by the applicant including an affordable housing contribution off site; sums for primary education, public, NHS contribution and public open space, again off-site.

14.5 The breakdown of the applicant's latest offer in respect of contributions made on 11th May 2016 is set out below

· Village Hall -	£50,000	
· Broadband -	£50,000	
· Affordable Housing -	£190,000	
· NHS -	£18,864	
· Primary education -	£33,053	
· Public Open Space	£22,050	
· Library Book stock -	£672	- TOTAL -£364,639

14.6 In their calculations, the applicant has also included in this sum contributions of £50,000 each in respect of the village hall refurbishment and repair, and; the introduction of broadband to the area none of which are policy requirements of this Council or required under the CIL regulations

14.7 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

14.8 Neither the Village Hall Contribution or the Broadband contribution are necessary for the furtherance of this development or, in the case of the village hall in any way related to the development in terms of scale or kind whereas, the provision of broadband could be transferred to the cost of the development

14.9 Part D of the adopted policy states that where affordable housing cannot be provided on-site, the Borough Council will accept appropriate off-site provision. It has generally been agreed that provision of affordable housing on site would not be appropriate for this development, mainly due to the unit sizes being proposed as well as issues of affordability. However, the Housing Officer used the proposed unit sizes provided to calculate The Council's Affordable Housing commuted sum as by using smaller sized units for example, this would not give a true reflection on the schemes viability.

14.10 The Housing Officer is of the opinion that the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing and, therefore be included within the affordable housing provision. The Housing Officer also maintains that, in respect of S106 contributions, affordable housing contributions be prioritised above all to include the other sums of money allocated for NHS (£18,864) and Primary Education (£33,053).

14.11 Notwithstanding the substantially improved offer received from the applicant raising their initial and clearly inadequate offer of £34,000 to £190,000, The Housing Officer maintains that the off-site affordable housing contribution for this scheme should, nonetheless, be given priority over all the other contributions listed and should be at least **£341,917**, made up from the total sum of money offered in respect of contribution irrespective of policy requirements for these. However, other contributions such as NHS; Primary Education; Libraries and Public Open Space remain subject to planning policy requirements, which, in effect ring fences these sums and, as such, cannot be negotiated away to provide additional sums for affordable housing.

14.12 Though the applicant has agreed to regard the sum for Broadband to be considered as a cost to the development in much the same way as, say, drainage provision, and included within the primary costings of the development and this developer is free to undertake under their own volition

14.13 With respect to the village hall, the applicant has also made it clear that they would not be prepared to not agree the withdrawal of its funding and the £50,000 allocation, instead, being put towards affordable housing (AH) to provide for an overall affordable housing contribution totalling £240,000. It is therefore fair to assume that the applicant would not be prepared to sign an s106 agreement. This, in itself, would form an additional ground for refusal being that an inadequate off-site contribution towards AH is being provided as the applicant proposes monies to go to the village hall (at the expense of AH). This is contrary to the Affordable Housing DPD.

15.0 Ecology

15.1 The County Ecologist has analysed the Ecology Report submitted by La Dell Wood on behalf of the applicant which identified the presence common lizards and grass snake as well as evidence of bat activity on the boundary. No objection is raised by the County Ecologist subject to suitable mitigation strategies being adopted and put in place should members be minded to grant planning permission.

16.0 Visual Impact and Landscaping

16.1 Other than two adjoining properties at Gate House located on the southern perimeter of the site and Willington Lodge on the eastern boundary facing onto Headcorn Road; the site is surrounded by agricultural land. Perimeters of the site already benefit from a dense tree and hedge screen on the all boundaries with only a partial gap on the southern boundary facing onto Crump Lane.

16.2 The site is south of the Greensand Ridge some 3 – 4km distant and there will be the possibility of some visibility of the site when viewed southward from the brow of the hillside. However, this would be mitigated by the irregular topography of the area and intervening woodland

16.3 Local views of the site are already mitigated by the dense tree screen existing on the perimeter of the site and these would be mitigated by further landscape planting undertaken to augment the perimeter screen and also internally to boundaries within the site. The proposal would therefore not be readily visible from the nearby highway network or more distant dwellings in the locality such as Orchard Farm

16.4 The proposed density on the site appears arbitrary and unrelated to either the context or place making decisions. In areas the layout appears somewhat wasteful, with large areas of space given over to parking courts in front gardens and seemingly awkward leftover spaces around and between homes and garages. In addition the development has now spread westward to develop a larger site than the pre-application indicated, spreading the same amount of development thinner across the area.

16.5 It is intended by the applicant to provide full details of the perimeter and internal landscaping within the context of a Landscape Master Plan which would be subject to a condition should planning permission be approved

16.6 This will include additional hedge and tree planting to enhance and reinforce the existing hedgerow enclosures on the main out-facing northern and southern elevation with an 8 – 10m deep belt of trees planted on the western boundary of the site that does not have a hedgerow. Water storage would be created sourced from standing water and screened by additional planting at the junction with Crumps Lane. Internally, the individual plots would be planted with mixed hedges on their respective boundaries

17.0 Residential Amenity

17.1 Only two nearby dwellings would be affected by the proposal and they are located on the perimeter of the site. Gate House, on the southern perimeter is located some 23m to the south of the gable end of Plot 1 which presents not main living room windows towards this dwelling. In addition, a hedge and tree screen would be planted on the intervening boundary between the two,

17.2 The main rear elevation of Willington Lodge, on the eastern perimeter would be positioned in excess of 30m from the main elevations of Plots 10 & 11 and, separated by an augmented existing hedge and tree screen. Window to window interface distances between the existing dwellings and those proposed are therefore sufficient to protect the residential amenities of these dwellings.

17.3 Layout of the proposed scheme is low density at less than 4 dwellings per hectare within substantial plots with hedge and trees screens located on each of their boundaries. As such, there would be sufficient space and landscaping designed within the scheme to protect the residential amenities of the dwellings.

18.0 Highways

18.1 A total of 14 dwellings, each with double garages and outside parking and a commercial parking area of 24 spaces will be served by the sole access onto the site from Crumps Lane to serve the office block. Egress only from the site would be shared by the

existing roadway onto Headcorn Road. No objection to this application has been raised by KCC Highways subject to conditions on the following

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway.

19.0 CONCLUSION

19.1 The site is located in a geographically isolated area within open countryside outside of and some distance from any defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. Within this context, it is considered that 14 dwellings located on this site would be compromised in terms of their sustainability by being located of sufficient distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. As such, the proposed development unable to be considered a **sustainable** location for residential development in the terms and guidance contained within the NPPF.

19.2 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

19.3 With respect to the village hall, the applicant has also made it clear that they would not be prepared to agree the withdrawal of its funding and the £50,000 allocation, instead, being put towards affordable housing (AH) to provide for an overall affordable housing contribution totalling £240,000. As such, an inadequate contribution would be made toward affordable housing contrary to the Council's Affordable Housing DPD.

RECOMMENDATION –REFUSE for the following reasons:

Reasons for refusal

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and also be contrary to paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.
3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a **sustainable** location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

INFORMATIVES

Case Officer: Tom OConnor

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

**Address:
Grafty Green Garden Centre,
Headcorn Road, Grafty Green**

The following further comments have been received from the applicants representative DHA Planning in respect of the contents if the Committee Report and the recommendation for refusal

Whilst the recommendation for refusal of this full application was not unexpected, it was with some surprise that I read that the Council now consider that they are in a position to demonstrate a five year supply of housing land, and as such, significant weight has been applied to policy ENV28 of the Maidstone Borough Wide Local Plan (2000).

The Committee report refers to monitoring which was 'carried out at 1 April 2016' that demonstrates a 5.12 year supply of housing land. This information comes from a *Local Plan Housing Topic Paper (2016)* which shows that the Council have seen 2,860 completions over the past five years (572 per annum)- at a time of significant economic activity within the housing sector. This has been a significant under delivery over this period, and therefore results in the Council needing to demonstrate a housing land supply for some 6,741 dwellings over the next five years (1,348 per annum). This is clearly a significant uplift. In order to achieve this, the Council has included sites within the draft local plan, which have no resolution, or in some instances where no planning application has been submitted.

Whilst Appendix C (table 8.10) of the aforementioned document sets out the extant permissions, and suggested build out rates, it also indicates the yields that the Council expects from the draft local plan allocations, which has now been submitted to the Secretary of State.

This draft local plan has not yet been assessed by the Inspector, and no interested parties have been able to debate the robustness of the policies or housing trajectory assumptions of the document. For this reason, we consider the inclusion of these allocations as premature at this stage.

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We do acknowledge that Maidstone Borough Council has taken great strides in order to meet their Objectively Assessed Need (OAN), however, as a decision making body we consider it inappropriate for you to include draft allocations in order to meet the short term housing need, which have not yet been fully debated within an Examination in Public, or for which an Inspector has been able to provide his or her opinion upon.

This position is backed up by appeal decisions such as *Land West of Audlem Road, Cheshire* where the Inspector was critical of the Council in that case trying to rely on uncommitted and untested draft Local Plan allocations as part of its 5 year supply. The Inspector in that case stated at paragraph 89 of the decision:

"At the Inquiry, a considerable amount of the assumed [5 year] supply was from sites without planning permission. These sites included some development proposed to be delivered on strategic sites identified in the [draft Local Plan]. These sites have yet to be considered through the local plan examination process and I am aware that there has been opposition to some of the allocations. I appreciate that the inclusion of these sites in the [draft Local Plan] shows some sense of commitment on the part of the Council, to taking them forward to fulfil the future needs of the Borough. It seems premature though, to place such a considerable emphasis on such sites in the calculation of housing supply. This is particularly so, as the anticipated time scale for the adoption of the [draft Local Plan] may be optimistic. Therefore, I consider there is insufficient clear evidence to convince me, in the circumstances of this appeal, that the inclusion of the uncommitted strategic sites in the deliverable housing supply is justified.

You state within paragraph 9.5 of your report that the emerging policies can be given 'significant weight in the consideration of applications.' We do not disagree that these policies should be given weight in shaping the development that is coming forward. It is clear that the Council has made significant efforts to ensure the policies bring about suitable infrastructure and high quality design. Given the lack of a five year supply in the recent past, this has been the most appropriate way for applications to be assessed by Officers and Members. However, there is a significant difference between giving the policies weight to determine planning applications, and assuming that they will come forward within the next five years. It is for this reason that we will be putting forward a view that until the examination opens, and the Inspector provides an indication of his or her view, these allocations should not be used for the evaluation of the five year housing land supply.

Irrespective of the five year supply issue, we are also of the view that the level of weight afforded to policy ENV28 of the Maidstone Borough Wide Local Plan (2000) within the Committee report is disproportionate given its age. The policy is now 16 years old since adoption, and whilst in part accords with the objectives of the National Planning Policy Framework (NPPF) 2012, should not be given more weight than this document.

The NPPF is clear that priority should be given to the effective use of land, by reusing land that has been previously developed (core planning principles, para. 17). This is re-iterated within paragraph 111 of the NPPF.

Throughout our discussions with the local authority, we have always acknowledged that this is a balanced proposal. The site is relatively detached from the existing settlement of Grafty Green, however it has had (and could once again have) a very intensive commercial use. It was hoped that the Committee report would greater reflect this balance, and would have included reference to the NPPFs core principle of reusing brownfield land, alongside the concerns with regards to its relationship with existing development.

I would also like to take this opportunity to raise a few more detailed points with you concerning the report. I would be grateful if these concerns (as well as those set out above) were reported to Members within an urgent update report.

- 1) Boughton Malherbe Parish Council support the application - within the report you state that they raise *no objection*. Throughout the pre-application process, and since the application was submitted, the Parish have *unanimously supported* the proposal, seeing it as the most appropriate use of this brownfield site.
- 2) It is noted that two letters of support have been received, however you do not highlight the contents of these letters as you have for the objection letters received. Again, to ensure that Members are provided with a balanced view, I would recommend that the contents of these letters be provided.
- 3) Your comments on the highways issues do not provide a direct comparison between the existing/previous vehicular movements, and that generated by this proposal. To my mind the types of vehicular movements, whilst a material consideration, should also be assessed alongside the amount of movements. This is certainly one of the reasons why the Parish support the application- as they acknowledge the reduction in vehicular traffic through their village.
- 4) Concern is raised within the report with regards to the design of the proposal -and that it appears 'suburban' in character. The reason behind the low density, is to ensure that the development is able to provide a significant increase in internal landscaping to that currently within the site. We acknowledge that this is a rural site, and the building designs and landscaping have been formed to respond positively to this. We do understand that design is subjective, but ultimately both ourselves, and the Parish believe that this is an acceptable form of development for this location.

Finally, you have suggested that we would be unwilling to sign a legal agreement that would not accord with our proposed heads of terms. As with any application we have put forward a proposal, and should Members decide that the monies should be redirected elsewhere, we would be open to accept any such amendments. The contributions that we have proposed are significant, but seek to address a number of local issues and concerns, rather than to concentrate on one specific matter i.e. affordable housing. These heads reflect the rural location of the site and have been formulated to make the development acceptable. We do not therefore agree that they fail to comply with the CIL regulations. However, should Members disagree with our proposal, and would wish to see the proposed contributions disaggregated differently we would be flexible on this matter. I would be grateful if this could also be highlighted to Members.

Officer Comment

The Committee Report sets out the Officer assessment of the merits of the application and recommendation

Recommendation

My recommendation remains unchanged.

Draft Conditions and Informatives for Grafty Green

RECOMMENDATION

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

A lumps sum contribution of £240,000.00 towards affordable housing provision off-site

A lump sum contribution of £33,053 toward the provision of primary education

A lumps sum of £18,864 towards NHS Provision

A lumps sum of £22,050.00 towards off site provision of public open space,

A lumps sum of £ 672.00 towards library book stock

The Head of Planning and Development be given DELEGATED POWERS TO GRANT outline permission subject to the conditions and informatives set out in the report:

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and submissions:

Drawings : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3; 2243/15/B/4

Documents: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

Reason: to ensure that the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and Maidstone Landscape Character Assessment Supplement 2012 (Harrietsham to Lenham Vale landscape type), and shall include, inter alia, all trees and hedges identified for retention in the LaDellWood Tree Survey submitted in support of this application.

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

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

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

6. The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be

stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

7. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water runoff rate and volume disposed off-site is restricted to that of the existing site without any increase to the on/off-site flood risk (during any rainfall events up to and including the climate change adjusted 100yr critical storm).
- No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a timetable for its implementation, and;
 - a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

8. . No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- A preliminary risk assessment which has identified:
 - all previous uses; and potential contaminants associated with those uses; and
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - The results of the site investigation and detailed risk assessment shall inform an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

9. No occupation of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved unless with the written agreement of the Local Planning Authority;

Reason: to prevent pollution of the environment.

10. 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 prevent pollution of the environment.

11. No development shall take place until full details, in the form of drawings to an appropriate scale, of all piling and any other foundation designs using penetrative methods which do not result in unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless agreed in writing with the Local Planning Authority;

Reason: to prevent pollution to the environment.

12. No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

13. Notwithstanding the observations, details and conclusions set out in the Ecology Phase 1 Habitat Survey prepared for this site by LaDellWood and dated June 2015, the development shall not commence until a long term management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall incorporate the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.
- ii) Specific details and locations of the biodiversity enhancement measures and the inclusion of enhancement measures to be incorporated into the fabric of buildings.
- j) Details of the management of open space areas to provide biodiversity enhancement.

The approved plan will be implemented in accordance with the approved details.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

14. The development shall not commence until details of any external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

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

15. Prior to commencement of the development hereby approved details of the method of foul and surface water disposal, general waste disposal and potable water provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be in place before first occupation of the development and retained as such at all times thereafter. Reason: in the interests of health and safety and to prevent water pollution.

16. The vehicular access to the site shall be constructed of a bound surface for at least the first 5 metres of the access from the edge of the highway. Reason: in the interests of highway safety.

17. Prior to the occupation of the dwelling details of the location and numbers of log piles, bird, dormice and bat boxes to be placed on the site shall be submitted to and agreed by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details

Reason: In the interests of biodiversity and ecology in accordance with the NPPF.

18. The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

INFORMATIVES

(1) The lighting scheme provided should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition

and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

(4) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at www.environment-agency.gov.uk.

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

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

5. Highway Informatives

- i. Provision of shall be made on site for loading, unloading and turning facilities for construction vehicles prior to commencement of work on site. These facilities shall remain on site for the duration of construction.
- ii. Parking facilities for site personnel and visitors shall be made prior to commencement of work on site and retained in situ for the duration of construction.
- iii. Provision of measures shall be made to prevent the discharge of surface water onto the highway.
- iv. Wheel washing facilities shall be provided prior to commencement of work on site and maintained in situ for the duration of construction. Vehicle parking spaces and garages as well as vehicle loading/unloading and turning facilities shown on the submitted plans shall be constructed and be ready for use prior to the use of the site commencing.

Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 14th July 2016**

APPEAL DECISIONS:

- 1. 15/506419** Erection of a pair of semi-detached houses
- APPEAL:** Dismissed
- Land Adjacent 1 Little Loddenden, High Street
Staplehurst, Kent
- (Delegated)
-
- 2. 15/505507** Demolition of existing bungalow and erection of
two detached houses and one bungalow.
- APPEAL:** Dismissed
- Frimley Cottage, 4 Tower Lane, Bearsted, Kent
- (Delegated)
-
- 3. 15/509444** Conversion of existing garage to habitable room,
internal alterations, erection of first floor side
extension and attached garage - resubmission of
15/506684
- APPEAL:** Dismissed
- 2 Lombardy Drive, Maidstone, Kent, ME14 5TA
- (Delegated)
-
- 4. 15/508821** Proposed first floor extension to side of dwelling
with Juliette balcony
- Appeal:** Dismissed
- Valley View, Pilgrims Way, Hollingbourne, Kent,
ME17 1RB
- (Delegated)
-
- 5. 15/509558** Erection of single storey extension to the rear
- Appeal:** Allowed with conditions
- 90 Wheeler Street, Maidstone, Kent, ME14 1UB
- (Delegated)

6. 14/502973

Erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane

Appeal: Allowed with Conditions

Westwood, Ham Lane, Lenham, Kent, ME17 2LP

(Committee)
