

REFERENCE NO - 14/504556/FULL		
APPLICATION PROPOSAL Demolition of Brandy's Bay including rear garage, stable block and outbuildings to enable the construction of 40 dwellings with parking provisions.		
ADDRESS Brandys Bay South Lane Sutton Valence Kent ME17 3AZ		
RECOMMENDATION Delegated Authority to approve subject to conditions and legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development would provide mix of dwelling types with high quality design. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures. For the reasons set out below, the proposal is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.		
REASON FOR REFERRAL TO COMMITTEE The application is a departure from the Local Plan.		
WARD Sutton Valence And Langley Ward	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Wealden Homes AGENT Graham Norton MRTPI
DECISION DUE DATE 23/01/15	PUBLICITY EXPIRY DATE 23/01/15	OFFICER SITE VISIT DATE 02/12/2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Application site is an irregular area of land about 2.1 hectars on the edge of the settlement and to the east of properties fronting South Lane and south of Captain's Close. The site is currently a paddock/grazing land for sheep and horses.
- 1.02 There is a two storey detached house as well as a stable and a hay storage buildings along the northwest corner of the site. The land gently drops from west, southwest towards the north, northeast.
- 1.03 The site is enclosed by mature hedge and deciduous trees. There are also a number of trees along the northern part of the site.

1.04 The properties to the west are primarily two storey detached or semi-detached with large rear gardens. Similarly the properties to the north are semi-detached dwelling with generous back gardens. To the south is an open field. Public foot path KH505 runs along the southern boundary of the site. Also a narrow stream runs along edge of the access way to the site and northern boundary of the site.

1.05 Access to the site is from the northwest corner of the site between two residential properties fronting South Lane.

2.0 PROPOSAL

2.0 The proposal involves demolition of the existing detached house on the south west edge of the access drive plus stable and hay storage buildings to clear the land for housing development.

2.01 The application seeks full planning permission for the erection of 40 dwellings two storey houses with associated car parking, garaging, access road, and landscaping.

2.02 The proposal comprises 7no five bedrooms, 3no four bedrooms, 15no three bedrooms and 15no two bedrooms houses together with provision for 86 car parking and garaging spaces including visitors parking. The development would be constructed, arranged around a central loop road and access way off. The loop would be designed to link to the existing high way.

2.03 The proposal makes provision for 40% affordable dwellings (equal to 16 houses; 7no five person 3 bedrooms and 9no four person two bedroom units). These are located in two clusters consisting of terrace of seven and nine houses which are plots 3 to 9 and 19 to 27 inclusive.

2.04 The architectural design of the site layout and houses reflect local vernacular including combination of formal and informal elevational treatment that give variety and emphasis in different parts of the layout. Use of dormers, porches, gables, bay and bow windows together with local materials of brick, weather boarding and roof tiles.

2.05 The proposed density excluding the onsite communal amenity area would be about 26 dph.

2.06 A pond is proposed at the south east corner of the site which is the lowest part of the land. This pond would become a water feature with an outflow in to the adjacent watercourse.

2.07 A large public open space/ on site amenity area is proposed to the west of the fork junction. This area currently contains a number of mature trees, including willow trees that will be retained.

2.08 Access to the site would be from the existing location; however, the existing drive would be widened and upgraded by demolition of the existing detached house fronting South Lane and creation of a wider avenue style with extensive landscaping and tree planting and use of small stream as a water feature.

2.09 The development would be built to Level 4 Code for sustainable homes.

3.0 PLANNING CONSTRAINTS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Sutton Valance. Relevant policies -

ENV28 – resists development which harms the character and appearance of the area

T13 – Seeks to ensure appropriate parking provision.

Supplementary Planning Document Affordable Housing DPD 2006 and Open space development draft local plan 2006.

This site is not within the Reg. 18 Consultation draft Maidstone Borough Local Plan 2014.

However, in February 2015 Cabinet considered a number of proposed housing allocations including H1(73) and resolved that this site should go forward to Regulation 19 consultation for 40 dwellings.

Regulation 18 Consultative documents policies for development SS1, SP4, DM2, DM3, DM4, DM11, DM12, DM13, DM23, DM24, DM30, ID1.

4.0 LOCAL REPRESENTATIONS

4.1 The application has advertised, site notice displayed and local residents notified by letter.

47 letters of representations have been received raising the following comments:

- The proposal represent over development of the site.
- Traffic survey carried out was short and inadequate. The survey should have lasted at least a week.
- Application sit is outside village boundary.
- The land is grade 3agricultural land.
- It is contrary to NPPF and policy ENV28 of MBC Local Plan 2000.
- The development would increase traffic on the village roads, A274 and create risk for highway safety.
- The development will change the character of the village due to its size.
- There is insufficient local infrastructure (school space, doctor surgery capacity, shops) to cope with this development.
- The filed is frequently water logged and is natural habitat to a number of wildlife, tree and a stream also runs through the site.
- It would have effects on the visual appearance, natural light of the properties overlooking the site and potential cause harm by reason on noise, smell and general disturbance as well as from street lighting and cars headlight.

5.0 CONSULTATIONS

5.01 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.

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements:

Request Summary	Per applicable House (x39)	Total
Primary Education <i>(new build)</i>	£4000.00	£156,000.00
Primary Land <i>(acquisition cost)</i>	£2701.63	£105,363.54
Secondary Education	£2359.80	£92,032.20
	Per Dwelling x (39)	Total
Community Learning	£30.70	£1197.30
Youth Service	£ 8.49	£331.11
Libraries	£111.01	£4329.39
Adult Social Care	£63.56	£2478.84

And one Wheelchair Accessible Home delivered as part of the affordable Housing

Highway Kent Highway Services will respond separately

Primary Education

The proposal gives rise to 11 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met the provision of new Primary School accommodation in the Headcorn and Sutton Valence local school Planning Group, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

KCC plans to accommodate the pupils arising from this development and others in the vicinity through expansion of Headcorn Primary School. Through a commissioned feasibility, KCC’s architects have recently informed the Council that the nature of the Headcorn Primary school site will mean that the cost of the new accommodation will be higher than other expansion projects which aren’t in an area of flooding. The per pupil cost of constructing the new accommodation and enlarging existing core facilities (total cost/210 places) is on par with the per pupil cost of constructing a new primary school. Given this new information regarding the project, those developments where the new works at Headcorn Primary School is the mitigation project for pupils will be charged the Primary New Build Rate.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of ‘first come, first served’ assessment; having

regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

The County Council requires a financial contribution towards construction of the new school at **£4000 for each 'applicable' house** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

The County Council also requires proportionate contributions towards Primary School land acquisition cost at **£2701.63 per applicable house**.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed.

A contribution is sought based upon 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 8 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.

The County Council requires a financial contribution towards extension of existing Secondary schools in Miadstone at **£2359.80 for each 'applicable' house** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be provided in Maidstone through extensions and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.

The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests **£30.70 per household** to address the direct impact of this development.

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Youth Services

The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.

Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.

The County Council therefore requests **£8.49 per household**.

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Libraries and Archives

There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development (including mobiles) and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests **£111.01 per household** to address the direct impact of this development.

5.02 KCC Ecology

The *Ecological Scoping Survey* report has been submitted in support of this application. It is concluded in the report that the site is of low ecological value. The main area of the site is maintained as short grassland, the buildings proposed for demolition are of good condition and there are limited opportunities for wildlife, particularly protected species, on the site.

The exception to this is the boundary vegetation, and in particular two mature oak trees have been identified as having potential for roosting bats. It is recommended in the report that bat surveys are carried out if these trees are to be felled or subject to management works.

The proposed layout plan appears to show that the boundary vegetation will be retained but we advise that confirmation of this is sought, with particular reference to the mature oak trees. If there is a need to carry out works to or fell these trees, the bat survey will be needed prior to determination to ensure that the potential for impacts to bats can be adequately addressed in the decision.

One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. We advise that

Maidstone BC should seek to secure ecological enhancements within the proposed development, for example through the planting of appropriate native species in the landscaping of the site, the provision of bird and bat boxes and sympathetic management of the existing boundary hedgerows, trees and ditch. We note that a pond is proposed and we advise that this should be designed to provide wildlife habitat in addition to any SUDS function.

5.03 KCC Highway

I note the revised drawings, in particular the addition of shared refuse collection points to enable efficient and safe refuse collection with less likelihood of damage being caused to property or highway verges. I note that part of the internal road network is proposed for adoption and this will require the applicant to enter into a section 278 agreement with this authority. Other salient points are that the proposed access will comprise a 5.5m wide road (paragraph 1.3 of the Transport Statement). It is considered that the access point is suitably located to achieve appropriate visibility. Construction of the access onto South Lane will require the applicant to enter into a Section 278 agreement with this authority.

The general layout drawing 22072A/100 Rev. F submitted also shows connection with the public footpath to the south and it is considered that this should be a requirement in any approval notice. I note the schedule of car parking submitted and confirm that the car parking allocations are within County Council standards and are acceptable. On behalf of the Highway Authority I write to confirm that I have no objection to this application.

5.04 Environmental Agency

Have no objection to the proposed development but request that the following

conditions be included in any permission granted:

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition: 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.

Reasons: To protect controlled waters as the site is located on a secondary aquifer and to comply with the NPPF.

Informatives

Foul Drainage

We note foul drainage is being discharged to mains sewer. If this changes we wish to be reo-consulted.

Pollution Prevention

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 our guidance “PPG1 – General guide to prevention of pollution”, which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Ordinary watercourses

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require consent under the Land Drainage Act 1991 and the Floods and Water Management Act 2010. In the case of an Ordinary Watercourse the responsibility for Consenting lies with the Lead Local Flood Authority (LLFA) which is KCC in this case. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by us and DEFRA. For further information on Ordinary Watercourses contact the LLFA at flood@kent.gov.uk. We would still wish to be consulted on any proposed culverting or an obstruction to flow on a Main River.

Water Resources

Water is one of our most precious natural resources, and the South East of England is “Water Stressed”, so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into the design of all new development. If appliances are to be provided in the new development, the applicant is asked to consider installing water and energy efficient models/devices.

We also recommend early discussions with water and sewage undertakers.

You can find more information on water conservation at this link:

<http://www.netregs.gov.uk/netregs/275207/275517/1737030/?version=1&lang=e>

Waste

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

5.05 MEC Housing

The development is for a total of 40 units with the applicant proposing 40% affordable housing which equates to 16 units.

The submitted planning application includes at Appendix 1 an email from you to the applicants which includes a suggestion to contact myself to discuss the affordable provision being proposed. Unfortunately, the developer has not been in contact.

The proposed affordable provision from the applicant is:

2 bed units – 9

3 bed units – 7

The site as a whole consists of 2 - 5 bed dwellings with 25% being made up of 4 and 5 bed units.

Ideally we would like to have seen some 1 bed provision on this site (as this is the greatest need among applicants on the Council's housing register) as well as at least a couple of the larger houses for the affordable units.

However, due to the proposed layout of the scheme it is acknowledged that this would probably cause the site plan to be changed at this stage.

Therefore we would accept the units being proposed for this development.

A natural tenure split would be:

Plots 19 – 27: 5, 2 bed houses and 4, 3 bed houses – Affordable Rent

Plots 3 – 9: 4, 2 bed houses and 3, 3 bed houses – Shared

Ownership

All the 2 bed units are for 4 person which is acknowledged and welcomed.

It is noted that all the units will be delivered at Code Level 4 of the Code for Sustainable Homes. We would further like to see Life Time Homes standard considered for the affordable housing provision.

5.06 UK Power Networks: Has no Objections

5.07 Agricultural Consultant: The proposal would involve the loss of some 2 ha, mainly of agricultural land.

The land has been the subject of a detailed Agricultural Land Classification study, conducted in September 2014, and has been found to comprise heavy silty clay soils subject to poor drainage, giving a grade of 3b (moderate quality) and thus not in the "best and most versatile" land category.

Consequently I consider the loss of this relatively small site to agricultural production would not comprise a "significant" development of agricultural land for the purposes of para.112 of the NPPF.

5.08 Mid Kent Environmental Service:

REQUESTED CONDITIONS:

HOURS OF WORKING (CONSTRUCTION)

No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: To protect the amenity of local residents in accordance with policy EN1 of the Local Plan.

CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include:

1. An indicative programme for carrying out the works
2. Measures to minimise the production of dust on the site(s)

3. Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
4. Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s).
5. Design and provision of site hoardings.
6. Management of traffic visiting the site(s) including temporary parking or holding areas.
7. Provision of off road parking for all site operatives.
8. Measures to prevent the transfer of mud and extraneous material onto the public highway.
9. Measures to manage the production of waste and to maximise the re-use of materials.
10. Measures to minimise the potential for pollution of groundwater and surface water.
11. The location and design of site office(s) and storage compounds.
12. The location of temporary vehicle access points to the site(s) during the construction works.
13. The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

REPORTING OF UNEXPECTED CONTAMINATION

If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

5.09 Southern water

Our initial investigations indicate that southern water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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

The planning application form makes reference to drainage using Sustainable Urban Drainage System (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adopted by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. This where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the life time of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent.

“Construction of the development shall not commence until details of the proposed means of foul surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.”

5.10 MBC Parks & Leisure

The Parks and Open Spaces have considered this application and would make the following comments;

The development of this size will have an impact on the existing areas of formal open space in the local area where no on site provision exists.

Whilst it is noted that the layout plan shows a LAP we would question the usefulness of a small pocket area of open space which is likely to include minimal equipment for toddlers only, especially when there is an already established area opposite the development site. MBC would not seek to adopt any open space and so the developer would remain responsible for any play area installed. We would recommend that the developer reconsiders the plan to include an on site LAP and instead make an offsite contribution which can be used to improve and refurbish existing areas of open space which can be used to improve and refurbish existing areas of open space within the vicinity. Namely this would be at the site known as the Harbour and Harbour Field and also at the War Memorial Play Field.

Should a LAP not be provided would seek per dwelling £1575. (£1575x40= £63,000.

Any offsite contribution would be used within one mile radius of the development site for the improvement, refurbishment and maintenance of the

existing area of open space and equipped play and outdoor sport facilities. Those facilities targeted would be at Harbour Field and Play rare and War Memorial Playing Field that are all situated within Sutton Valence.

6.0 BACKGROUND PAPERS AND PLANS

The application was accompanied with the following drawings and supporting documents. 22072A/10 Rev A, 22072A/100 Rev F, 22072A/515 Rev A, 22072A/514 Rev B, 22072A/513 Rev B, 22072A/512 Rev B, 22072/511 Rev A, 22072/510 Rev A, 22072A/509 Rev B, 22072A/508 Rev B, 22072A/507 Rev B, 22072A/505 Rev B, 22072A/504 Rev B, 22072A/503 Rev B, 22072A/500 Rev B, 22072A/502 Rev B, 22072A/501 Rev B, 22072A/600 Rev A, 22072/601 Rev A, J49.13/01, T01 Rev A, T02 Rev A, T03 Rev A, T14092 sheet A01 and 02A.

Design and Access Statement, Planning Statement, Contamination report, Food risk assessment report, Ground stability assessment, Agricultural land classification report, Access Road Noise Assessment Report, Tree survey Report, Ecology Scoping Survey,

7.0 APPRAISAL

7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides 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 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.”*

7.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the 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, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open

countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

- 7.04 Paragraph 47 of the NPPF states 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;”
- 7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.
- 7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.
- 7.07 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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 if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.08 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement of the Harbour part of village of Sutton Valence, identified as a large village in the draft Local Plan under draft policy

SP4, provide some services that meet the day to day needs of their communities including a school, doctor surgery, shops, public house facilities, albeit that these would require improvement or upgrade commensurate with any increase in population, and good public transport links to employment and retail centres.

- 7.09 Large Villages are considered to be sustainable locations in Maidstone's settlement hierarchy outside of the town centre and Rural Service Centres as set out in the draft Local Plan for limited new housing development provided that it is in keeping with their role, character and scale. It is considered that an appropriate increase in population would help to support village services and facilities, by virtue of their accessibility, potential for growth and role as a service delivery area for the surrounding areas
- 7.10 In February 2015 Cabinet considered a number of proposed housing allocations including Site H1(73), and resolved that this site should go forward to Regulation 19 consultation.
- 7.11 Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 7.12 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.
- 7.13 Policy H1(73) of the emerging Local Plan has identified this site for housing development for 40 dwellings subject to the following detailed criteria:

Design and Layout

- 1- The proposed site layout will retain the existing streams within and adjacent to the site boundaries open and un-culverted
- 2- The development will provide ecological mitigation/enhancement areas and landscaped buffers along the North, East and South site boundaries to ensure appropriate habitat connectivity and the retention of existing trees and hedgerows.
- 3- The layout shall provide for a centrally positioned access road off South Lane with landscaping to the site boundaries and an avenue of trees along the new access road.
- 4- The scheme shall provide for a footpath link from South Lane to PROW KH505 at an appropriate access point on the southern site boundary to improve connectivity to the countryside beyond.
- 5- The site layout will be designed to accommodate the difference in site levels west to east across the site without extensive excavation and re-modelling of the landform.
- 6- The layout will provide for a range of dwelling types and sizes to ensure an appropriate mix of accommodation is provided.

7- Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials and demonstrating compliance with the requirements of policies DM2, DM3 and DM4.

Landscape/Ecology

1- The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance.

2- The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.

3- The development proposals are designed to take into account the result of a phase 1 habitat survey and any species specific surveys that may as a result be recommended ,together with any necessary mitigation/enhancement measures.

Contamination

1- Development will be subject to the results and recommendations of a land contamination survey.

Flood risk and drainage

1- Development will be subject to the results of a detailed flood risk assessment and a sustainable surface water drainage strategy that demonstrates that surface water run-off from the site will not lead to an increased risk of flooding off-site.

Community facilities

1- Appropriate contributions towards community infrastructure will be provided where proven necessary.

Open space

1- Provision of publicly accessible open space as proven necessary and/or contributions towards such provision off-site.

Site area 2.1ha Developable area 1.499ha

Approximate yield: 40 Net density: 26.7dwellings/ha

7.12 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside in considerations of sustainability and other harm remain to be considered. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development

of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing in the emerging Local Plan, which is a material consideration, although not on its own grounds to approve the application.

- 7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to a Large Village identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.
- 7.14 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact and landscaping; density of the development (including whether the site can suitably accommodate 40 dwellings); affordable housing and other contributions; residential amenity; access/highway safety; ecology; flood risk, drainage and contaminated land.
- 7.15 In the light of the above the presumption in favour of sustainable development set out in paragraph 14 of the Framework is thereby engaged. The failure to demonstrate a five year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

Visual Impact

- 7.16 The site is pasture land and comprises 2.1ha of undeveloped greenfield land. The land is Graded 3b and therefore not considered to be Best and Most Versatile". It is enclosed by two storey houses along the western and northern boundaries and extensive hedging with mature trees in between along the eastern and southern boundaries and further grazing land beyond the south and east borders where the land rises to a small hill, well above the roof height of the houses in South Lane and the application site.
- 7.17 The proposed layout involves a circular road with a single vehicular access to South Lane. The proposed houses are all two storey with pitched roof over, Maximum eaves height would be 5.4m and ridge height 9.5m. It is considered that the development would not appear visually prominent or intrusive in the

local landscape due to domestic scale of the development and retention of all the existing boundary hedge and trees.

- 7.18 The existing houses to the west and north have deep back gardens and the proposed development would provide further opportunity for additional landscaping along the western boundary to soften the view of the new houses from the properties to the west. Also view from the access to the site would be one of an avenue with trees on both sides of the road leading to a large landscaped amenity area that screens the houses and provide an inviting and pleasant sense of arrival to the development.
- 7.19 Within the development site the mass, scale and architectural designs would be reflective of the local vernacular and comprise features that promote visual interests in the elevations of the houses and character/ appearance of the street scenes. This would be further enhanced by use of high quality materials and landscaping.
- 7.20 For the reasons stated above it is considered that this development would blend in well with its immediate surrounding and wider landscape without causing detrimental and unacceptable visual impact on the amenities or character of the area and wider village setting. On balance it is considered that this development would integrate well with the resettlement.

Residential Amenity

- 7.21 NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features of the site, like trees, hedges, small stream and topography of the land to complement and enhance the environmental quality of the housing estate layout. The street layout and orientation of the houses are designed to create a sense of community and maximise the use of sun light and day light as well as providing privacy protection to the future residents and safeguard the amenities of the existing houses to the north and west.
- 7.22 The houses to the west and north have long back gardens and the proposed layout design would ensure that the new houses are sited and orientated in such a way that significantly greater distance than the minimum of 22 m back to back and 11m back to side are maintained. It is considered that the proposed development would satisfactorily protect the residential amenities of the occupiers of the surrounding properties and the future occupiers of the houses on this development site.

- 7.23 The design of the proposed houses although two storey are varied in detailing and appearance as a consequence the development would provide visual interests and areas with distinct character; like avenue entrance to the site, pockets of large open space/ amenity areas, water feature or use of large mature trees and hedges as vista and landscaped features.
- 7.24 The proposal takes advantage of the site topography/ land levels and existing established vegetation levels to further integrate the development with its wider landscape setting and surrounding.
- 7.25 The proposed development would provide a mix of houses sizes and designs including affordable units at a density of about 20dph. It is considered that the proposal would result in creation of a good environment for a mixed community and attractive living environment for the future residents. Furthermore having regards to the context of the surrounding area the proposed development would relate well with the rest of the village subject to satisfactory use of materials for external finish of the houses and landscaping; to deal with these issues appropriate conditions are recommended.
- 7.26 The proposed development although would be accessed from the existing location, it would be significantly different as a detached house to the south will be demolished to provide the opportunity for a wider access road and landscaping. It is considered that the widen bell mouth of the access with proposed landscaping would enhance the street scene and by creating greater gap between the drive access road and the flanks of the houses on either side of the access drive the proposal would not adversely harm the amenities of these houses.
- 7.27 To assess the potential noise impact of vehicular movements to and from the site on the occupiers of the properties on both side of the access drive, a noise assessment report is submitted with the application. The report concludes that although there might be occasions that the level of noise generated affects the amenities of the occupiers of no 1 Capitan's Close, if the bedroom window on the flank elevation is open. The changes in noise levels are confined to a minor increase in noise at night affecting houses on both side of access drive. This change is not enough to cause the noise to go above the lowest Observed Adverse Effect Level. The landscaping proposed within the access drive area would help to soften the changes proposed and the impact on the amenities of the adjoining houses.
- 7.28 Very limited street lighting is provided in The Harbour area of Sutton Valance and it would be out of character if substantial and urbanizing street lighting were to be provided in this development. Moreover extensive lighting would result in light pollution and harm to the amenities of the occupiers of the

surrounding properties and the character of the area. A condition therefore is recommended seeking details of a lighting scheme to be submitted for LPA's approval.

Highways

- 7.29 The proposed access would be located in the position of the existing site access, which is central to the site frontage with the South Lane.
- 7.30 The application was accompanied by a transport statement. The proposed access entrance would comprise a 5.5m wide road with 2m wide footways. The internal roads will be 4.8m wide shared surface designed to homezone principles for very low vehicular speeds of around 15- 20mph.
- 7.31 The development would make provision for 86 on site car parking spaces including visitors. The proposed parking for the dwellings will be provided by means of garages, car barns and open parking spaces.
- 7.32 The Kent County Council Highway Services Engineer sought further drawings and information about the suitability of the proposed estate road network for use by service vehicles. KCC Highway services have confirmed that the proposed access road, sight lines and the proposed housing estate internal road system and the level of car parking provision proposed are satisfactory.
- 7.33 A number of refuse collection points are design within the housing estate. These refuse collection points are close to the estate ring road and would ensure speeding movement of refuse vehicles and undue spread of wheel bins and rubbish bags around the estate.
- 7.34 There is a public footpath just outside the eastern boundary of the site to enhance permeability the application would involve a pedestrian link with this footpath. This would connect the application site with the adjoining countryside to the east and beyond.

Landscaping and Ecology

- 7.35 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.
- 7.36 The application has been supported by an Ecological Scoping Survey Report which has been assessed by the KCC ecological officer. The report found

very limited ecological interests within the grass area but the boundary trees, hedgerows and stream have the potential to support nesting birds and bats.

- 7.37 To mitigate the impact of the development and enhance biodiversity it is suggested that bird and bat boxes be incorporated into the fabric of the buildings or attached to the trees. A condition to secure this is recommended.
- 7.38 Also to protect the existing trees and hedgerows tree protective measures should be put in place during the construction period. To satisfy this requirement a tree protection condition is added in order to ensure that the trees and hedgerows are not damaged.
- 7.39 On balance therefore no objection is raised with respect to ecological issues.

Flood Risk and Drainage

- 7.40 The application site has been supported by a flood risk assessment (FRA) which demonstrates that the site lies within Flood Zone 1(FZ1) where there is a low risk of flooding from all sources.
- 7.41 Environmental Agency has no objection and considers the development to be acceptable subject to a condition that seeks details of surface water drainage scheme for the site and a condition dealing with contamination not previously identified plus a number of informatives regarding no connection of foul drainage to mains sewer.

Code for Sustainable homes

- 7.42 The NPPF says that planning plays a key role in helping shape places to secure radical reductions in green house gas emission, minimising vulnerability and providing resilience to impact of climate change. The proposed house and estate layout design seeks to maximise exposure to sun light and heating. Also the location of the site on the edge of this large village with arrange of community facilities like, primary school, shops, doctor surgery and good public transport to Maidstone and Headcorn makes this site a sustainable location for housing.
- 7.43 To ensure that the development is constructed to code level 4 of code for sustainable homes a condition on would be imposed in this regard.

Other Matters

Environmental Impact Assessment

- 7.44 The development falls within the description of development at paragraph 10(b) of Schedule 2 of the Town and Country Planning (EIA) Regulations 2011, being an urban development project on a site exceeding 0.5ha. It is considered that there are no likely significant environmental effects (positive or negative) arising from the development which will require the preparation of an EIA.

SECTION 106 REQUIREMENTS

- 7.45 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.

- 7.46 The application stated that this development would provide 40% affordable homes on this site. This is considered to be in line with the adopted policy.

- 7.47 Kent County Council economic development has made the following requests

- £4000, 00 per applicable dwelling house x (39) = £156,000.00 for primary school.
- £2701.63 towards land acquisition for a new primary school.
- £2359.80 per applicable dwelling house x (39) = £92,032.20 towards secondary school.
- £30.70 per applicable dwelling house x (39) = £1197.30 towards Community learning.
- £8.49 per applicable dwelling house x (39) = £331.11 towards Youth Service.
- £111.01 per applicable dwelling house x (39) = £4329.39 towards Libraries.
- £63.56 per applicable dwelling house x (39) = £2478.84 towards adult social care.

Maidstone Park and Leisure has made the following request if no on site play facility is provided.

- £1575 per applicable dwelling house x (39) = £61425.00 to provide enhanced play and open space facilities.

8.0 CONCLUSION

- 8.01 The NPPF states that with a presumption in favour of sustainable development means that where the development plan is absent or out of date

planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 8.02 This site has recently been allocated for housing development and to be considered as part of Rey 19 of local plan. This site is situated in a sustainable location on the edge of the settlement of Sutton Valance and as such is considered to be in a sustainable location with good access to public services already exists in the village and good public transport link.
- 8.03 The proposed 40 houses on 2.1 hac with acceptable density level is considered to be of high quality design and layout and satisfactory level of on-site car parking provision. The proposal will retain substantial part of the existing hedge and trees and add extensive landscaping to soften the hard edge of the development when viewed from the adjoining properties.
- 8.04 This proposal will deliver much needed mix of house sizes, types and tenure required to meet the needs of a mixed community in a quality an attractive environment.
- 8.05 The development will assist in delivering infrastructure in the locality.

9.0 RECOMMENDATION – GRANT Subject to the following conditions for the following reasons:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advice to secure the followings:

- A: The provision of 40% affordable housing.
- B: Secure the following developers' contributions:
- £4000, 00 per applicable dwelling house x (39) = £156,000.00 for primary school.
 - £2701.63 towards land acquisition for a new primary school.
 - £2359.80per applicable dwelling house x (39) = £92,032.20 towards secondary school.
 - £30.70 per applicable dwelling house x (39) = £1197.30 towards Community learning.
 - £8.49 per applicable dwelling house x (39) =£331.11 towards Youth Service.
 - £111.01 per applicable dwelling house x (39) = £4329.39 towards Libraries.

- £63.56 per applicable dwelling house x (39) = £2478.84 towards adult social care.
- £1575 per applicable dwelling house x (39) =£61425.00 to provide enhanced play and open space facilities.

C Grant planning permission subject to the imposition of the conditions set out below:

1) The development hereby permitted shall begin no later than 18 months from the date of this decision.

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 plans: Drawings no 22072A/10 Rev A, 22072A/100 Rev F, 22072A/515 Rev A, 22072A/514 Rev B, 22072A/513 Rev B, 22072A/512 Rev B, 22072/511 Rev A, 22072/510 Rev A, 22072A/509 Rev B, 22072A/508 Rev B, 22072A/507 Rev B, 22072A/505 Rev B, 22072A/504 Rev B, 22072A/503 Rev B, 22072A/500 Rev B, 22072A/502 Rev B, 22072A/501 Rev B, 22072A/600 Rev A, 22072/601 Rev A, J49.13/01, T01 Rev A, T02 Rev A, T03 Rev A, T14092 sheet A01 and 02A, PL-BB-01.

Reason: To ensure the quality of the development is maintained and to prevent harm to amenity.

3) No development shall take place until schedule/samples of the materials and finishes to be used in the construction of the external walls, roofs, windows and doors of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4) The dwellings shall achieve at least Code 4 of the Code for Sustainable Homes. A final code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

5) The development shall not commence until details of foul, soakaways and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

6) Prior to the commencement of the development hereby permitted details in respect of the followings shall be submitted to and approved in writing by the Local Planning Authority.

- i) the parking of vehicles of site operatives and visitors
- ii) the routing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development the erection and maintenance of security fencing
- vi) wheel washing facilities
- vii) measures to control the emission of dust and dirt during construction
- viii) a scheme for recycling/disposing of waste resulting from the construction works
- ix) precautionary measures to ensure that no badgers become trapped or injured during development work

Reason: In the interests of highway safety and amenity of the area.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

8) No development shall take place until full details of both hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include existing and proposed contours and finished ground levels and minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc). Soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Development shall be carried out in accordance with the approved details. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: In the interest of visual amenity of the area.

9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 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.

Reason: In the interest of visual amenity of the area.

10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas and link to footpath PROW KH505 other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management plan shall be carried out as approved.

Reason: In the interest of residential and visual amenity of the area.

11) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority All trees to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures 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 area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

12) Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of visual amenity of the surrounding properties.

13) No dwelling shall be occupied until the ecological enhancements set out at paragraphs 4.8 of the applicant's Ecological Survey (dated 19 July 2014) have been completed and evidence to that effect submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology of the area.

14) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

15) Prior to commencement of development, including works of ground clearance or site preparation, full details of the access to the site off South Lane, including a timetable for implementation of the different stages of its construction, shall be submitted to and approved in writing by the local planning authority. The access shall be constructed in accordance with the approved details and timetable.

Reason: In the interests of highway safety and residential amenities of the adjoining properties.

16) Prior to first occupation of any of the dwellings hereby permitted, visibility splays at the junction of the application site with South Lane, shall have been provided in accordance with the details shown on plan NoPL-BB-01 attached to Transport Statement received 24/20/2014. Once provided, the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety.

17) Prior to commencement of development, details for the construction, surfacing and drainage of the pedestrian link to PROW KH505 serving the development shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include a timetable for implementation. The upgrading works shall be completed prior to the occupation of 50% of the dwellings on the site.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of amenities of the future occupiers of the development

18) None of the dwellings hereby permitted shall be occupied until the car parking, garaging and visitor spaces associated with that particular unit of accommodation have been constructed in accordance with the approved plans. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

19) None of the dwellings hereby permitted shall be occupied until sustainable surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation in relation to the development; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

21) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously

been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

22) Works of demolition, site clearance, or construction, including the use of plant and machinery on the site, shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

INFORMATIVES

1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

The site comprises 2.1ha of undeveloped greenfield land, which is in agricultural, specifically grazing use. The land is *Graded 3b and therefore not considered to be Best and Most Versatile*". The site is essentially one single parcel of land,

Case Officer: Majid Harouni

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

Planning Committee Report

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