

## REPORT SUMMARY

<b>REFERENCE NO - 14/502010/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.		
<b>ADDRESS</b> Hen And Duckhurst Farm Marden Road Staplehurst Kent TN12 0PD		
<b>RECOMMENDATION</b> Delegated Authority to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However proposed development would provide a mix of dwelling types. 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, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and delete condition no 6 .		
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Philip Aelen <b>AGENT</b> Mr Martin Page
<b>DECISION DUE DATE</b> 21/10/14	<b>PUBLICITY EXPIRY DATE</b> 21/10/14	<b>OFFICER SITE VISIT DATE</b> 02/09/2014
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None relevant		

### MAIN REPORT

#### 1.0 BACKGROUND

- 1.01 The current application seeks an outline planning permission for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.
- 1.02 The site is a farm land adjoin Staplehurst village which is defined as a Rural Service Centre.

1.03 The application was reported to the Planning Committee of 16<sup>th</sup> April 2015. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:

A: The provision of 40% (equated to 100) affordable housing.

At least 5 no of the affordable units should be designed to provide Wheelchair Accessible Homes.

B: A contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

C. A contribution towards improvement and enhancement of vehicle and cycle parking provision at the railway station development (The amount to be finalized by the Head of planning and Development acting under delegated powers).

D. Secure the following developer's contributions based on a pro rata assessment of the exact number of dwellings proposed at the Reserved Matters stage.

- Headcorn Primary School construction 40.65 pupils from HDF @ £14,286 per pupil = £580,725.90
- Headcorn Primary School land acquisition 40.65 pupils from HDF @ £3184.60 per pupil = £129,453.99
- Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
- Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
- Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)

On site open space of (open space areas should be mixture of formal and semi natural areas and allotment areas) no less than 4.66 hectares shall be provided

- Financial contribution of £613.02 per dwelling is sought toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Field. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

E. A management company to be appointed by the developer to be responsible for on-going maintenance of the public open space.

The management company shall submit to and obtain the writing approval of the Local Planning Authority to the details required under sub section E.1 and E.2 below.

E1- Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an Ecological Design Strategy (EDS) addressing ecological mitigation and enhancement of each phase in the context of wider site shall be 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.
- b) Review of site potential and constraints, informed by further survey effort as appropriate.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements). Incorporation of birds and bats boxes and swift bricks in the fabric of houses and on trees within the landscaped areas.
- d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long term maintenance.
- j) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

E2- Prior to the commencement of development of each phase as agreed under condition 5 of this permission, a Landscape and Ecological Management Plan for each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The Landscape and Ecological Management Plan shall include the following,

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation 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 prescriptions for achieving aims and objectives.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) On-going monitoring and remedial measures.

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(ies) 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 the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

1.04 The Committee report and urgent update to the Committee report are attached as Appendix A to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

2.01 Due to computer technical error, developer contribution request from NHS Properties Services was not uploaded and thus not included in the part "D" of the head of terms of the S106 of 16<sup>th</sup> April Committee report.

2.02 NHS developer's contribution request is as follows:

- Financial contribution of £360 per dwelling @ occupancy rate of 2.34 per dwelling with regard to market housing only (equating to 150 dwellings) = £126,360 is sought toward improvement or upgrade of facilities at Staplehurst Health Centre. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

2.03 In light of the above, it is recommended that part "D" of the Section 106 be amended to include the NHS contribution request.

D. Secure the following developer's contributions based on a pro rata assessment of the exact number of dwellings proposed at the Reserved Matters stage.

- Headcorn Primary School construction 40.65 pupils from HDF @ £14,286 per pupil = £580,725.90
- Headcorn Primary School land acquisition 40.65 pupils from HDF @ £3184.60 per pupil = £129,453.99
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- Contribution of £126,360 toward improvement or upgrade of facilities at Staplehurst Health Centre. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

On site opens space of (open space areas should be mixture of formal and semi natural areas and allotment areas) no less than 4.66 hectares shall be provided

- Financial contribution of £613.02 per dwelling is sought toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Field. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

2.04 Amendment of section “F” List of planning conditions of the Recommendation by the deletion of planning condition no 6 amendment of informative no 1 and renumbering of the remaining planning conditions:-

2.05 Condition no 6 states;

Prior to the commencement of each phase of development as approved under Condition 5 an Interim Certificate of Compliance with the Code for Sustainable Homes for that phase shall be submitted to and approved in writing by the local planning authority. The certificate shall demonstrate that the development within that phase will attain a minimum standard of Code Level 4. The development shall be carried out only in accordance with the details the subject of the certificate and prior to occupation of each dwelling a Code for Sustainable Homes Post Construction Stage Review is to be completed by an independent licensed Code of Sustainable Homes assessor demonstrating that the dwelling is expected to achieve Code Level 4. The results of the review must be submitted to the local planning authority in writing.

Reason: In the interests of sustainability and in compliance with NPPF.

2.06 Members will be aware that following the technical housing standards review, the previous government issued a [written ministerial statement](#) withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says *“planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency”*. As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.

2.07 Informative number 1 to be altered to refer to renumbered condition no 17 instead of no 21.

2.08 F. Grant planning permission subject to the imposition of the conditions set out below:

1) Details of appearance, layout, scale and landscaping, (the reserved matters) for any phase shall be submitted to and approved in writing by the local planning authority before any development begins on that phase. Development shall be carried out in accordance with the approved details.

The layout reserved matters details shall ensure that at least .04 Ha of the to the north and west of the Hen and Duck Farm listed buildings is set aside as an open space or structural open space as part of a deliberate strategy to minimise so far as possible harm to the setting of the listed buildings.

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

Reason: To ensure that the location of the vehicular access is defined.

5) No development shall take place until a Scheme of Phasing has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Scheme of Phasing.

Reason: To ensure that the development is carried out in a satisfactory manner and in compliance with NPPF advice regarding good design.

6) Prior to the commencement of development of each phase of development as agreed under condition 5 of this permission, no development shall commence (in relation to that specific phase being pursued) until a materials schedule detailing the types and colours of external materials to be used, including colour of mortar and windows, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity of the area and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

7) 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 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.

8) 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.

9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas allotment 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.

10) 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.

11) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a measured survey of that phase has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the local planning authority. The development shall be completed and thereafter retained in accordance with the approved details.

Reason: In the interests of visual and residential amenities of the area.

12) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:

- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
- b) The location of temporary site buildings, compounds and areas used to store plant and materials;
- c) Arrangements for the routing, turning and access of lorries into the site;
- d) Arrangements for the parking of vehicles of site operatives and visitors;
- e) Measures to control and mitigate noise and vibration from construction activities, including piling;
- f) Arrangements for the storage, collection and disposal of waste;
- g) Measures to prevent mud and dust being deposited on the highway;
- h) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
- i) Temporary lighting; and
- j) Noise generating plant.

Development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities of the area

13) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until details of a scheme to address risks associated with contamination of the site and mitigation shall be submitted to and approved in writing by the local planning authority. Those details shall include:

- i) Assessment of radon affect and mitigation measures;
- ii) Assessment of electromagnetic radiation from the electricity sub-station and mitigation measures;
- iii) An acoustic assessment in respect of noise from Railway line to the north and noise from the electricity sub-station to the south and mitigation measures;
- iv) An Air quality assessment and submission of a mitigation strategy;

The approved mitigation measures shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenities of the area

14) If during the course of development of each phase approved under condition 5, any contamination is found which has not been identified in the site investigation and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

15) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out comprising:-

- i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to
- ii following on from the survey and assessment, any safeguarding measures to ensure and approved by the Local Planning Authority; and preservation in situ of important historic landscape features and/or further historic landscape 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 historic landscape implications of any development proposals and the subsequent mitigation through preservation *in situ* and integration into main development scheme or preserved by record.

16) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out to secured the implementation of:-

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii following on from the evaluation and assessment, 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.

17) No development shall take place 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 (including an allowance for climate change) 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 prior to first occupation of the dwellings.

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

18) The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features.”

Reason: To ensure that foul and surface water is satisfactorily managed and disposed off from the site and in the interests of protection of local wildlife.

19) Underground ducts shall be installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: To avoid visual harm to the character of the area.

20) During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:

0800 to 1800 on Mondays to Fridays; and 0900 to 1300 on Saturdays.

Reason: In the interests of amenities of the occupiers of surrounding properties.

21) No development shall take place until full details of the vehicular access and emergency access have been submitted to and approved in writing by the local planning authority. The details shall include footway and verge crossings; visibility splays; and three-dimensional representations. No dwelling shall be occupied until the means of access have been constructed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of Highway safety.

22) The roads and footways within the development shall be constructed and finished in accordance with a programme that has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has a direct connection with an existing highway.

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

23) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

1. Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marfield.
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

Reason: In the interests of highway safety and amenity.

24) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

25) Within 6 months of the occupation of the 50<sup>th</sup> dwelling house the public open space shall be accessible to the public as opens-space and is maintained as such.

Reason: In the interests of amenities of the prospective residents of the development.

Informatives

1) Applicant is strongly advised that details pursuant to condition 17 be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques

2) 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, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)