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REPORT SUMMARY

REFERENCE NO - 13/2008			
APPLICATION PROPOSAL Outline planning application with all matters reserved, apart from means of access, for a mixed use development for 2.04 ha. (5.04 acres) residential development including 30% affordable housing and 0.6ha. (1.5 acres) open space/community facilities			
ADDRESS Linden Farm, Stockett Lane, East Farleigh, Maidstone, Kent, ME15 0QD			
RECOMMENDATION – SUBJECT TO S106 Agreement regarding infrastructure payments and provision of open space/community facilities PERMISSION BE GRANTED			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is in a sustainable location and would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan.			
REASON FOR REFERRAL TO COMMITTEE The proposals are contrary to the adopted MBWLP (2000) – saved policy ENV28 and the adopted Affordable Housing DPD December 2006. The recommendation is contrary to the views of the Parish Council.			
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr & Mrs I Rankin AGENT Savills	
DECISION DUE DATE 05/03/14	PUBLICITY EXPIRY DATE 05/03/14	OFFICER SITE VISIT DATE 15/10/14 & 5/6/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
81/0364	Conversion of barn to dwelling	Refused	1981
82/0350	Erection of 1 dwelling	Refused	1982
84/1532	Surgery and Sheltered Housing	Refused	1984
94/0478	Conversion of barn	Granted	1994
03/0032	Change of use of outbuilding to holiday cottage	Granted	2003

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is situated on the northern confines of Coxheath village to the north of the village hall and playing fields on the western side of Stockett Lane. The site is outside the built-up confines of Coxheath and within the Southern Anti-coalescence Belt (Policy ENV32) in the adopted Local Plan. However there is established residential development on the eastern side of Stockett Lane and Linden Farmhouse lies to the north of the site. The village centre shops and services centred around the Heath Road/Stockett Lane crossroads lies approximately 500m to the south within approx. 10 minutes walk.
- 1.2 The site extends to approx. 2.9ha. (5.04 acres) and rises gradually from Stockett Lane to the western boundary. Stockett Lane falls gently from the village hall to the northern boundary adjoining Linden Farm Barn. It comprises former orchard land which is currently used for grazing following clearance of most of the fruit trees. The land to the north and west is of a more open rural character, predominantly in agricultural use.
- 1.3 There is a mature hedge approx. 2m high along the frontage to Stockett Lane and a number of silver birch and mature orchard trees remaining within the site, in particular along the northern boundary to Linden Farm.

2.0 PROPOSAL

- 2.1 This is an outline application with all matters including appearance, layout, landscaping and scale reserved for subsequent approval. Access is not reserved and is to be determined as part of this application.
- 2.2 As originally submitted, an illustrative layout plan showed the proposed residential development on the rear part of the site between Linden Farm to the north and the village hall to the south. In its original form, the proposal was to provide up to 40 dwellings on 1.38ha of land at a density of approximately 29 dwellings/ha. Initially the scheme did not include any affordable housing but included approx. 3 acres of open space/community facilities. The illustrative layout indicated 3 tennis courts, a bowling green and allotments with car-parking for 92 vehicles on the eastern part of the site along the frontage to Stockett Lane.
- 2.3 Following concerns about the lack of affordable housing contrary to Policy AH1 the proposals have been amended to a mixed development comprising 2.04 ha. (5.04 acres) of residential development including 30% affordable housing and 0.6ha. (1.5 acres) of open space & community facilities with a frontage to Stockett Lane of approx. 190m. The development will be served by a new vehicle access road from Stockett Lane situated approx.. 40m north of the existing access to Linden Farm.
- 2.4 In order to achieve 30% affordable housing it has been necessary to reduce the amount of open space. The precise number of dwellings is dependent on the proportion of affordable units and the level of open space provided. For comparative purposes supporting information has been provided indicating a range of scenarios based on various levels of affordable housing and open space provision (see attached table, Appendix 1). For example, 0% affordable housing would provide 40 open market units and 3 acres of land for community facilities whereas 20%

affordable would provide 13 affordable units, 52 open market units and 2 acres of open space.

- 2.5 The preferred scenario provides the optimum balance between the number of open market units, affordable units and provision of community facilities and is shown in the right hand column of Appendix 1. This option is based on a total of 74 dwellings comprising 22 affordable units (30%) and 52 open market units with 1.5 acres of open space. A higher proportion of 40% affordable units would be desirable but this would affect the overall viability of the scheme and the possible sacrifice of the open space.
- 2.6 This has implications for the level of S106 contributions which, based on 30% affordable housing, is reduced to £3810 per unit.. The level of infrastructure contributions has been reviewed in the light of the changes to the CIL Regulations which took effect in April 2015, and further details are set out below.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000) – outside the built up extent of Coxheath. Within Southern Anti-coalescence Belt

The relevant policies in the adopted Local Plan are:-

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

ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.

T13 – Seeks to ensure appropriate parking provision.

CF1 – Seeks to ensure appropriate community facilities are provided

Affordable Housing DPD 2006: Policy AH1 states that on mixed use development sites of 15 acres or more the Council will seek a minimum of 40% affordable housing unless there are exceptional circumstances which demonstrate that a lesser proportion can be provided.

The Draft Maidstone Local Plan identifies the site as a housing allocation with a net capacity for up to 85 dwellings (Appendix A, H1(43)).

Policy DM24 (Affordable Housing) in the emerging Local Plan, as amended, sets a target rate of 40% affordable housing provision in the countryside, rural service centres and the larger villages and 30% in urban areas.

The Coxheath Neighbourhood Plan (was submitted as consultation draft in 2013 and remains at pre-Regulation 14 stage. Policy H4 in the Draft Plan identifies the site for proposed mixed development comprising 3 acres of land for housing comprising 40 dwellings for market housing and 3 acres gifted for recreation/public open space.

4.0 LOCAL REPRESENTATIONS

22 letters have been received raising objections on the following (summarised) grounds:

- Too much additional traffic on an already busy road where traffic speeds entering the village are high.

- Further (unacceptable) levels of traffic likely to use Workhouse Lane which is entirely unsuitable
- No need for additional housing in the village
- Adverse impact on the rural environment and character of the area
- More anti-social behaviour than that already associated with the village hall.
- Adverse impact on parking in the area
- Loss of privacy to adjoining properties
- Local services already at or above capacity
- Loss of existing trees and landscaping and impact on the ecology of the area

5.0 CONSULTATIONS

5.1 Coxheath Parish Council:

1. Initial comments dated 11/4/14:

“Coxheath Parish Council has been in discussion with the landowners throughout the process leading up to the submission of this outline application. We have agreed in principle that this project meets the criteria that we have identified in the draft Coxheath Neighbourhood Plan, which has been the subject of public consultation between 8th November and 20th December 2013. The Parish Council is happy, therefore, to recommend provisional approval of the outline application, subject to the following comments and observations and on the clear understanding that we shall have the opportunity to assess the application in much greater depth, once full details are submitted.

Our comments and observations at this stage are:-

- The outline site plan is purely illustrative and does not necessarily resemble accurately the use to which the ‘Community land’ will be put;
- Although we note that, according to the Ecological Scoping Survey Report, there are no protected species on the land to be developed, we also note that there is the potential for such species in the future. The Parish Council has already undertaken ecological studies of adjacent land that we may wish to make into some form of nature conservation area and easy access nature trail. We would require, therefore, that the applicants’ proposed development would be sympathetic to, and supportive of, this proposal;
- Although we note the suggested access arrangements both to the proposed new dwellings and to the existing farmhouse, we are not sure that the speed survey figures are accurate, since we believe they were taken some distance from the revised access points. We suggest that this would have had the effect of understating the speeds recorded. Local knowledge persuades us to believe that traffic speeds are higher, the closer vehicles are travelling to the parish boundary;
- There may be the need, therefore, to consider the introduction of measures to slow traffic down at the Stockett Lane entry to the village;
- Even at this stage, we believe that local parking issues need to be clarified and agreed between the parties before the application progresses to the next level;
- The Parish Council needs to ensure that the overriding community benefit from accepting this development is the future expansion and protection of green open space to more acceptable standards;
- The Parish Council is very pleased to see the draft outline of a Section 106 agreement. However, we have a number of concerns, including the need to ensure that benefits accrue to the immediate community of Coxheath rather than the wider

community of Maidstone Borough and to ensure that contributions can be paid to the variety of community recreation facilities that need to be located on this land.”

2. Further Parish Council comments dated 5/3/15:

“As you will undoubtedly be aware, the forty dwellings envisaged in this application, are supported in the Coxheath Neighbourhood Plan, which has been the subject of full consultation and significant support in our community. The Parish Council has been in direct contact and negotiation with the landowners and their advisers for several years, as a result of which we have agreed a package, which delivers significant benefits to the community of Coxheath.

We see no benefit in including affordable housing on this site, for the following reasons:-

- If an affordable housing allocation precludes Section 106 funding being made available for contributions towards local education, healthcare and transport needs, the Parish Council would find this totally unacceptable. Projects are in hand to increase the Coxheath Primary School capacity to a two form entry intake and negotiations are underway to add to or increase the capacity of the healthcare facilities in the village. Funding from developments such as this is vital to support and sustain these local infrastructure improvements.
- The village has already accepted 38 affordable housing units at the Avante site close to the village centre.
- A further 46 affordable dwellings are likely to come forward from the recent approval of an outline planning application at Clockhouse Farm.
- The requirements for local needs affordable housing, based on a survey undertaken in 2012, with the assistance and knowledge of Action with Communities and Rural Kent and the Maidstone Borough Council housing department, identified a potential need of 25 to 30.
- There is already a significant number of established affordable houses in Coxheath in any event.

The overriding concern of Coxheath Parish Council is to ensure that, if the existing community has to accept more development, this cannot be achieved without substantial investment in the local infrastructure. For these reasons, we contend that it is wholly inappropriate to consider affordable housing units on this site, when the priority is to provide essential local infrastructure.”

3. Parish Council comments on amended proposals dated 30/7/15:

“I refer to our recent exchange of correspondence resting with your e-mail dated 21st July 2015, concerning the above application and in particular the revised site diagram based on the supposition that there will be an enhanced level of housing due to the inclusion of affordable housing units. You will not be surprised to learn that Coxheath Parish Council is appalled at his prospect and cannot support it.

As we have already indicated to you in our letter of 5th March 2015, the original forty dwellings envisaged in this application, are supported in the Coxheath Neighbourhood Plan, which has been the subject of full consultation and overwhelming support in our community. The Parish Council has been in direct contact and negotiation with the landowners and their advisers for several years, as a result of which we have agreed a package, which delivers significant benefits to the community of Coxheath. The proposed halving of the open space in order to provide more affordable housing completely undermines these negotiations and begs the

question whether Maidstone Borough Council wishes to adhere to the spirit of localism, as determined by the Localism Act 2011 or the right of communities to produce and deliver Neighbourhood Plans.

The proposal to substantially reduce the amount of amenity/recreation land made available to the community from the site will completely undermine the community's plans to provide much needed community recreation facilities on this site. The Parish Council had negotiated with the landowners that three acres of land for community facilities should be provided. The proposals under scrutiny now suggest that this could be halved to 1.5 acres. Again, this is not acceptable to Coxheath Parish Council. By any yardstick, the amount of open space/recreation land in Coxheath is well below the levels required under the existing policies of Maidstone Borough Council. This has been recognised in recent planning approvals at Clockhouse Farm and Heathfield, where Section 106 funds have been specifically 'earmarked' for redressing this balance on the Linden Farm site.

The current shortfall of open space in Coxheath is currently about 36.5 acres, but the Heathfield and Clockhouse Farm permissions, by providing offsite public open space contributions rather than full onsite provision, have increased the shortfall by a further 4.5 acres or over 12%. So we have the ridiculous situation where Maidstone Borough Council on the one hand are encouraging other developers to make contributions to providing open space/community recreation facilities on this site, and on the other hand they are undermining the provision of those facilities by proposing to significantly reduce the size of the site. It is illogical, unsustainable and does not make sense!

This proposal also conflicts with the current draft Local Plan allocation which was agreed by Cabinet on 4th February 2015 to go forward to Regulation 16 consultation on the basis of 40 dwellings as proposed in the Neighbourhood Plan. Representatives of Coxheath Parish Council were also given assurances at a meeting with the Heads of Planning and Development Management on 7th April 2015 that the policy on affordable housing would not undermine the provision of public open space from this site. This consultation, therefore, constitutes a complete 'U' turn.

We see no benefit for Coxheath in including affordable housing on this site, for the following reasons:-

- The inclusion of affordable housing reduces significantly Section 106 funding being made available towards local recreation, education, healthcare and transport needs. The Parish Council would find this totally unacceptable. Funding from developments such as this is vital to support and sustain these local infrastructure improvements.
- The village has already accepted 38 affordable housing units at the Avante site close to the village centre and a further 46 affordable dwellings are likely to come forward from the recent approval of an outline planning application at Clockhouse Farm, as well as 44 from the recent planning approval for Heathfield (north of Heath Road).
- The requirements for local needs affordable housing, based on a survey undertaken in 2012, with the assistance and knowledge of Action with Communities and Rural Kent and the Maidstone Borough Council housing department, identified a potential need of 25 to 30.
- In any event, there are already a significant number of established affordable houses in Coxheath.

It seems to the Parish Council that the Borough Council is obsessed with the principle of imposing unwarranted levels of affordable housing irrespective of the consequences and applies a rigid formula to all prospective sites at the expense of other equally important (and we would argue locally more important) community benefits. Surely, it would be more sensible to judge the cumulative effects of this policy on a relatively small community such as Coxheath.

As we have said before, the overriding concern of Coxheath Parish Council is to ensure that, if the existing community has to accept more development, this cannot be achieved without substantial investment in community infrastructure. What we have at the moment from Maidstone Borough Council are plans which are obsessed with housing numbers for communities like Coxheath, but which give little or no consideration to sustainable development. For these reasons, we contend that it is wholly inappropriate to consider affordable housing units on this site, when the priority is to provide essential local community infrastructure.

It is our understanding that the landowner and developer are content to proceed on the basis negotiated with the Parish Council. For these reasons, we strongly object to this amended application and urge members to refuse it”.

5.2 **KCC Highways**

“I am grateful for the speed count that has been undertaken and confirm in view of the alignment of Stockett Lane here and the results of the survey, that I consider a satisfactory access can be achieved.

I confirm on behalf of the Highway Authority that I have no objection to the proposals as developed at this stage. The allotments and bowling greens proposed would no doubt have an irrigation need and there may be opportunity within the topography to advantageously develop a sustainable drainage solution with this development.”

Comments dated 15/1/14:

“Thank you for your e-mail and for forwarding the comments of Coxheath Parish Council. I note the comment that vehicles slow considerably due to parked cars on Stockett Lane. It follows that care needs to be given regarding 'over management' or provision to counter on street parking as this could increase through traffic speeds.

The Association of Chief Police Officers (ACPO) guidance for speed limit enforcement recommends intervention at tolerances of 10% + 2mph to avoid protracted disputes over actual speed, accuracy of equipment etc. In other words the Police would normally look to issue speeding tickets in a 30mph limit to those exceeding 35mph. The Department for Transport Circular 01/2013, Setting Local Speed Limits now recommends that mean (50th percentile) speeds are used rather than 85th percentile speeds to determine local speed limits (paragraph 35 of this document). On this basis it would appear from the count that has been undertaken that the speed limit is appropriate to the traffic speeds recorded.

I can confirm that there have been no injury crashes on this section of Stockett Lane (between Workhouse Lane and Orchard Close) in at least the last eight years. Having said that it may be appropriate to condition that an additional speed survey is undertaken to the satisfaction of the Planning Authority, should this outline application be approved. Additionally it may be appropriate to propose enhanced terminal speed limit signing south of Forstal Lane, although the evidence to make this

a requirement I think is not compelling. There are no repeater signs on Stockett Lane by virtue of the street lights and this prevents us from adding them.

With regards to the primary access a 'bottled' 6m width narrowing to 5.5m would allow easier combined entry and exit. It was my understanding that there could be a subsequent phase or parcel following this development. A straight 5.5m width would however I believe be acceptable and this would have a traffic calming or intervention effect on traffic flows when larger vehicles need to enter the site. The applicant would ultimately need to enter into a Section 278 agreement with the Highway Authority to implement this access. Fundamentally from the alignment of Stockett Lane and the land within the ownership/control of the applicant, I am confident that a satisfactory access can be achieved."

Further highway comments dated 17/12/14:

"Further to my previous comments made in respect of this planning application I write to confirm that KCC is concerned about the cumulative impact of both committed and potential development in and around Coxheath and Boughton Monchelsea on the traffic signals at the A229 Linton Crossroads. The junction will come under increasing pressure in the future, the traffic flows will exceed the junction's capacity, leading to considerable congestion problems.

The extent of such problems will not become fully apparent until MBC has completed the review of the responses to its recent call for additional housing sites, which may well result in additional land allocations in the area.

It is considered that current applications and all other developments that would be seeking permission in and around Coxheath and Boughton Monchelsea should make a fair and reasonable contribution to an improvement scheme. We do not yet have an estimate of the likely cost of the improvement, so we would base our figure on the current level of requests for S106 contributions from sites on the southern edge of Maidstone. In particular, we have negotiated a sum of £3,000 per dwelling from three sites on the A274 Sutton Road, and are seeking a similar sum from a housing site on Boughton Lane (whose main access is onto the A229). These are in respect of major improvements being considered to Sutton Road and the A229/A274 junction costing several million pounds. The cost of works at Linton Crossroads is likely to be much smaller, although it may well require land outside the current highway boundary. A sum of £1,000 per dwelling would appear to be a reasonable request."

5.3 Infrastructure contributions :

The infrastructure contributions initially requested by KCC have been reviewed in accordance with the changes to the CIL Regulations, April 2015 as follows, (KCC comments dated 9/7/15):

"As there is a lack of certainty over the final number of units, we have expressed the County contributions on a per unit basis so that any obligation directly reflects the final number and mix of units built upon the site. You will note the Primary Education contribution has reduced substantially to reflect the new project of expanding Coxheath Primary School.

Having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure', KCC have re-evaluated the previous request which would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be

achieved through CIL. Without CIL in place, we are unable to continue with some earlier requests currently.

We are continuing, with Service providers, to re-evaluate and identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office – Chief Planning Officer. There will be circumstances where 5 obligations will not generate sufficient monies to provide services.

Following meetings with KCC service providers, the KCC requirements for this development are now:

- **Primary Education @** £2360.96 per applicable house & £590.24 per applicable flat ('Applicable ' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the Coxheath Primary School enhancement
- **Secondary education @** £2359.80 per applicable house & £589.95 per applicable flat towards Phase 2 of the expansion of Cornwallis school
- **Library bookstock** at £21.31 per dwelling - project: bookstock for the new residents of this development supplied to Coxheath Library
- **Community Learning** at £30.70 per dwelling – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- **Youth equipment** at £8.44 per dwelling - required for the new attendees from this development supplied to Youth Workers of the Maidstone Street-Based outreach attending at Coxheath Village Hall
- **Social Care** at £15.95 per dwelling – project central Maidstone Changing Places Facility; Social care also request delivery of 3 Wheelchair Accessible Homes within the affordable housing on site.

As set out in the original request letter, KCC would request provision of Superfast Fibre Optic Broadband be secured by condition:

The County Council confirm there are no more than 4 other obligations towards any of these projects.”

5.4 Kent Police

No objections subject to appropriate conditions relating to crime prevention:

- “The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of Maidstone Borough Council Draft Core Strategy Plan. “

- “The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by

the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of Maidstone Borough Council Draft Core Strategy Plan.”

5.5 **KCC Ecology**

No objections subject to enhancement measures such as:

- Planting of appropriate native, local provenance species;
- Management of hedgerows and trees for the benefit of wildlife;
- Creation of ponds populated with native, local provenance plants;
- Creation of hibernacula and log piles;
- Bird and bat boxes at suitable locations on the site;
- Bat bricks and swift bricks incorporated in new buildings.

The enhancements could be secured through a condition requiring an ecological design strategy:

No development shall take place until an ecological design strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following,

a) Purpose and conservation objectives for the proposed works.

b) Review of site potential and constraints.

c) Detailed design(s) and/or working method(s) to achieve stated objectives.

d) Extent and location/area of proposed works on appropriate scale maps and plans.

e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

g) Persons responsible for implementing the works.

h) Details of initial aftercare and long term maintenance.

i) Details for monitoring and remedial measures.

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

Suggested informative regarding nesting birds:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.”

5.6 **NHS Property Services**

Revised requirements dated 4/8/15:

“A need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a half a mile radius of the development at Linden Farm, Stockett Lane. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd therefore seeks a healthcare contribution of £43,804, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

Orchard and Stockett Lane Surgeries are currently in talks with regards to a new purpose built surgery premises and if this contribution is secured, it would be used towards the cost of this new development.

I can confirm that our request complies with CIL regulations as we do not have more than 5 pooled contributions for this scheme.

I understand from your email that the amount of housing units is not yet confirmed, NHS Property Services will revise its request once the dwelling sizes and amount are decided.”

5.7 **Sport England**: Do not wish to comment

5.8 **UK Power Networks**: No objections

5.9 **Environment Agency**:

The flood risk assessment submitted following an original objection by the Environment Agency has been considered and no objections are raised to the development subject to conditions requiring the submission of a sustainable surface water drainage strategy and additional conditions and informatives relating to the potential contamination and the need to protect groundwater as the site is located on a principal aquifer.

5.10 **Lead Local Flooding Agency** – comments awaited.

5.11 **Southern Water**:

Enclose plan showing a foul sewer that runs along the southern boundary of the site adjacent to the village hall land. They advise a number of conditions relating to where development can and cannot take place to safeguard the sewer. They also advise that there is inadequate capacity in the area for foul drainage and that there are no

public surface water sewers in the vicinity. They recommend that details of both foul and surface water drainage are secured by condition.

5.12 **Environmental Health:** No objections subject to conditions relating to contaminated land and air quality.

5.13 **MBC Housing**

“There has recently been another outline application for 55 units at adjoining land in Coxheath (Application ref: 13/1979). This application also has no provision for affordable housing, ‘on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation / amenity purposes.’

Therefore there appears to be 2 separate planning applications, totalling 95 units without any provision for affordable housing. On both these applications it is being suggested that Coxheath Parish Council are supporting no affordable housing in return for recreational / leisure facilities.

However, we were of the understanding that the Parish Council were keen to see more affordable housing in the area?

A local housing needs survey, undertaken in conjunction with Coxheath Parish Council in April 2012, highlighted 32 households who are in need or will be in need of affordable housing within the next 5 years (from the report date.)

Furthermore, the Council housing register currently indicates that there are 26 households who have a local connection to Coxheath with 189 households wanting to move to the area. However, it is important to point out that these figures are only indicative as information on applicants on the housing register is only verified when they are being considered for a property.

Therefore, if the applicants are to make a case for social housing to be excluded from this site as is stated in the planning document, we would need it to be considered against the submission of a viability appraisal which demonstrates that it is only financially viable to deliver these services and facilities with no affordable housing on the site.”

5.14 Further comments on amended proposals dated 5/6/15:

“As the location of the site is in a ‘larger village’ as classified in the emerging local plan, both current adopted policy and emerging policy states that 40% affordable housing should be provided.

It would appear from the email trail below that the applicants have yet to submit a viability report with 40% affordable housing being provided that proves that this level of affordable housing would make the scheme unviable. Indeed, in Katherine Munro’s email of 14 May 2015 she has written, ‘In addition the 40% scheme would be as per the draft Local Plan allocation.’ – which is exactly the reason why we believe such a viability report should be submitted.

As has been highlighted below, affordable housing remains the top priority for new residential developments and, as such, Housing could not support a reduction to 30% without evidence that the scheme would be unviable at the 40% level as is policy.”

5.15 **MBC Open Space (Parks and Leisure):**

“Having looked at a minimum expected provision of onsite open space for a development of this size, we would expect at least 0.42ha. You indicated that even with the proposed reduction this would still leave 1.5 acres (0.6ha) and so we would feel that the minimum requirement is being reached.

How this onsite open space is presented obviously remains to be seen, but as we have previously commented on this application, Coxheath is underprovided for in terms of outdoor sports facilities and so it would be more preferential that this shortfall is addressed as per the previous plans”

6.0 **BACKGROUND PAPERS AND PLANS**

The submitted documents and plans include:

- Planning Statement/Design & Access Report
- Transport Statement.
- Ecological Scoping Survey Report
- Flood Risk Assessment,
- Draft S106 Agreement

An amended Zoning Plan was submitted on 8/6/15 (ZP001) showing the approximate extent of the residential development, community facilities and proposed means of access. Details of siting, layout, scale, appearance and landscaping are reserved matters.

7.0 **APPRAISAL**

Principle of Development

- 7.1 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.”*

- 7.2 In this case, apart from the open space element, 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.

- 7.3 The application site is located in the countryside outside the currently defined extent of Coxheath village in the MBWLP 2000. It is located immediately adjacent to the built-up confines of the village to the north of the Village Hall and to the west of the existing development along the eastern side of Stockett Lane. It is also within the Southern Anti-coalescence Belt and Policy ENV32 resists development which would harm the character and appearance of the area between the southern villages and the Maidstone urban area. However, the northern boundary of the site would follow the alignment of Forstal Lane to the east of Stockett Lane and it is considered that this would round off the existing pattern of development and fit in with the overall shape of the settlement without involving a major incursion into the open countryside to the north of Coxheath. A substantial area of open countryside would remain between Coxheath and the southern built-up confines of Maidstone to the north.
- 7.4 The Draft Maidstone Borough Local Plan 2014 identified the site as a housing allocation on the northern confines of the village. In the Regulation 18 Consultation Draft Maidstone Borough Local Plan where the site is identified as a housing allocation (Appendix A - Policy H1(43) with a net capacity of approx. 85 units at 30dpha. The Draft Local Plan was considered by Cabinet in January 2015 when the proposed net capacity at Linden Farm was reviewed and reduced to 40 units to reflect the scale of the current application in its original form. The number of units in the amended scheme has increased to approx. 74 units which falls within the original estimated net capacity.
- 7.5 Although contrary to the adopted Local Plan the proposal accords with the broad aims of the emerging Draft Local Plan. However, the proposed development is contrary to Policy H4 of the Draft Coxheath Neighbourhood Plan (January 2014) which identifies Linden Farm as a potentially sustainable development option for approx. 3 acres (40 dwellings) for market housing and 3 acres gifted for community recreation/ public open space. The current proposals do not therefore comply with the specific allocation in Policy H4 of the draft NP. Whilst work on the NP is progressing it is at Regulation 14 stage and there are still a number of key stages ahead including, publication, independent examination and referendum. Although the NP is a material consideration, at its current stage, any conflict is not considered grounds to refuse planning permission.
- 7.6 Neither the Draft Local Plan nor the Draft Neighbourhood Plan have been adopted at this stage and the emerging draft plans are not of sufficient weight to support the current proposal which is contrary to the adopted Development Plan. The main justification for the current proposals is its contribution to meeting the shortfall in providing a 5 year housing land supply in accordance with the advice in the NPPF. Para. 47 of the NPPF advises LPAs to:

“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;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

Para. 49 states: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

- 7.7 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.
- 7.8 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. The presumption in favour of sustainable development in this situation 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 National Planning Policy Framework as a whole.
- 7.9 This lack of a 5 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 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation 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.
- 7.10 Significant weight has been given to the lack of a 5 year supply of housing land and to the provision of open space as part of the scheme. Open space is identified as a high priority in the Delivery Framework and the provision of a substantial area of open space as a part of this scheme is a significant determining factor. The principle of development is therefore supported as a departure from the development plan, including provision of only 30% affordable housing rather than 40% to fully comply with Policy AH1.
- 7.11 The site is considered to be in a sustainable location and is well related to the existing facilities in the village including the primary school, shops and other local services. The village is served by bus route 89 which on some journeys utilises Park Way/Westway and Stockett Lane before re-entering the B2163 Heath Road in the village centre. There is a bus stop at the end of Westway close to its junction with Stockett Lane approximately 150m south of the site.

- 7.12 Given the sustainable location of the application site the principle of additional residential development is accepted in accordance with the Local Plan and NPPF. In the circumstances of this case, the key planning issues are considered to be the provision of affordable housing, visual impact (including whether the site can suitably accommodate the development), residential amenity, access/highway safety and ecology.

Affordable Housing

- 7.13 One of the key planning issues in the current application concerns the level of affordable housing to be provided within the scheme. Initially the application made no provision for affordable housing on the basis that it was not financially viable in addition to the provision of 3 acres of open space. The applicants subsequently agreed to provide a small element of affordable units equating to 10% of the overall development. However this fell well short of the level of 40% required by Policy AH1 in the adopted Affordable Housing DPD. The Council's Housing Manager raised objections to the lack of affordable housing as part of the original proposals. Given this position and the applicant's submissions relating to the application, a viability assessment was requested.
- 7.14 A viability assessment has been carried out by the District Valuer (DV) who considered a policy compliant scheme (85 units with 40% affordable housing) against the submitted scheme. The report concluded that the original proposal which included 3 acres of land for open space/community facilities, could not support the provision of any affordable housing. Policy AH1 of the adopted DPD allows for exceptions to be made to this policy requirement for the provision of 40% affordable housing where this is demonstrated as not being viable.
- 7.15 The provision of 40% affordable housing would have ensured full compliance with policy AH1, but at the expense of the open space/community facilities. This was confirmed by the viability assessment and the conclusion of the DV's report. The revised proposals will provide 30% affordable units with a reduced open space provision but still fall short of the policy requirement of 40% in Policy AH1. The Parish Council's objections to the inclusion of affordable housing is noted but this does not take account of the Affordable Housing DPD which was adopted in 2006 and is a material consideration on housing sites of more than 15 units.

Visual Amenity

- 7.16 The site would extend the built-up development on the western side of Stockett Lane northwards beyond the village hall into an area identified as being within the Anti-coalescence Belt. In the area between the village hall and Workhouse Lane on the west side of Stockett Lane the area is generally open in character with isolated agricultural buildings. The east side of Stockett Lane is mainly built-up in appearance with established development extending north to Forstal Lane.
- 7.17 Development of the application site on the scale proposed will extend the built-up area northwards which will have some impact on the openness and rural character of the area and it is acknowledged that some localised harm to the appearance of the surrounding area will occur. However, the visual impact will be mitigated by the existing vegetation along the frontage to Stockett Lane, along the southern boundary to the village hall and by the existing residential development on the eastern side of Stockett Lane directly opposite the application site, extending northwards to Forstal Lane.

- 7.18 The proposed development will also be visible from Linden Road and the playing field to the west of the village hall. The existing hedgerow along the southern boundary will be retained and enhanced to provide a buffer between the proposed development and the village hall. The line of trees along the western boundary will be retained to provide a suitable buffer between the new development and the playing fields. It would not however, be readily visible from the existing PROW (KM44) further to the west or from Pleasant Valley Lane, itself a PROW.
- 7.19 Although the Draft Local Plan may be given only limited weight at this stage, in allocating the site for development it was considered that the development of the land would not significantly erode the separation between Coxheath and the southern extent of the urban area of Maidstone. There will remain a substantial gap to the north of the site towards Linden Farm and beyond. Furthermore, the proposed development would not extend as far north as the existing development along the east side of Stockett Lane. On balance, it is considered that the visual impact of the proposed development would be restricted to short distance views mainly from Stockett Lane and is considered to be acceptable.

Siting and Layout

- 7.20 This is an outline application with all matters except access reserved for subsequent approval. Although no details of siting or layout have been submitted at this stage the overall density of up to 74 units is considered to be compatible with the character of the surrounding area and reflects the semi-rural location on the edge of the village. The siting of the main land uses is considered to be acceptable with the open space on the frontage to Stockett Lane and the majority of the proposed residential area to the west with a smaller area of housing in the north part of the site fronting Stockett Lane. The overall character of the development is therefore considered to be acceptable.

Residential Amenity

- 7.21 The nearest dwellings to the site are located on the east side of Stockett Lane which face the application site across Stockett Lane at a distance in excess of 20m from the existing hedgerow. The semi-detached dwellings opposite the site have relatively large front gardens whilst a small row of terraced dwellings (70-76 Stockett Lane) is located directly on the back edge of the pavement.
- 7.22 It is considered that the existing dwellings would be unlikely to suffer a significant loss of privacy or overlooking as a result of the proposed residential development, given that the residential development would be located toward the western part of the site approx. 50m back from Stockett Lane, with the proposed open space as a buffer. The detailed layout and design at the reserved matters stage would ensure that their amenities can be safeguarded.
- 7.23 The original illustrative layout indicated a range of community facilities including a bowling green, allotments, tennis courts and a large parking area in the eastern part of the site adjoining Stockett Lane. The potential impact on the residential amenities of the existing occupiers of the dwellings to the east of Stockett Lane will be an important consideration in terms of the likely increase in the level of activity, hours of use, external lighting, etc. However these are reserved matters which will be determined at a later stage. The village hall site to the south is a widely used community facility and includes playing fields for outdoor recreational use. Although no details of

boundary screening have been provided at this stage, the retention of the existing hedge supplemented by additional planting will be necessary to screen the development and minimise any potential loss of amenity.

Highways

- 7.24 Kent Highways have considered the revised site access plan which has narrowed the width of the proposed access road and also the proposed traffic implications arising from the development. They have advised that they have no objections to the development in terms of its impact on the local road network or in terms of the proposed site access. Appropriate conditions can govern parking provision and construction of the access road.
- 7.25 The Highway Authority is concerned about the cumulative impact of potential development in Coxheath and Boughton Monchelsea. With regard to the proposed improvements to Linton Crossroads, KCC Highways has recommended that a contribution of £1000 per dwelling could be requested to enable the junction to be upgraded to cope with future demand in conjunction with other sites in Coxheath. The Council has engaged highway consultants to advise on this matter who recommended that a higher contribution of £1500 should be requested. However this site was subsequently excluded from this requirement in the light of the viability assessment and therefore a highway contribution is not required.

Landscaping and ecology

- 7.26 The site is considered to be of limited ecological interest and the development would not have an unacceptable impact on ecology and biodiversity within the site.
- 7.27 The grassland that currently covers much of the site is currently unsuitable for reptiles. If the existing management/mowing of the site ceases or is relaxed, the habitat would be more suitable for reptiles and may result in the need for specific protected species of the site and the development of a mitigation strategy to minimise the potential impacts. Depending on the timescale in which the reserved matters are submitted, an update on the status of the site and its suitability for reptiles may be required to ensure that works take place without causing harm to protected species.
- 7.28 The proposed development will clearly result in a loss of green space. As this is currently of limited ecological value, the inclusion of ecological enhancement measures within the proposals could provide net gains for biodiversity. The detailed reserved matters and landscaping could include enhancement measures such as:
- Planting of appropriate native, local provenance species;
 - Management of hedgerows and trees for the benefit of wildlife;
 - Creation of ponds populated with native, local provenance plants;
 - Creation of hibernacula and log piles;
 - Bird and bat boxes at suitable locations on the site;
 - Bat bricks and swift bricks incorporated in new buildings
- 7.29 Landscaping is a reserved matter and can be secured by appropriate conditions to ensure an appropriate setting for the site. The existing hedge along Stockett Lane should be retained wherever possible and additional planting should also be introduced along the southern site boundary with the village hall and playing fields.

Other Material Considerations

- 7.30 The comments of the Environmental Health Section relating to possible contamination and the need for further investigation is noted and an appropriate condition can be imposed.
- 7.31 The flood risk assessment submitted following an original objection by the Environment Agency has been considered and they now raise no objections to the development subject to conditions requiring the submission of a sustainable surface water drainage strategy and conditions and informatives relating to the potential contamination and the need to protect groundwater as the site is located on a principal aquifer. With regard to foul and surface water drainage an appropriate condition is recommended requiring submission and implementation of a detailed scheme to secure any necessary off-site improvements.

8.0 S106 Contributions

- 8.1 The proposed development will place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 8.2 Where there are competing demands for developers' contributions towards the delivery of infrastructure for new residential development proposals, the Council will prioritise these demands in accordance with the Delivery Framework in the Draft Local Plan, as follows:

1. affordable housing,
2. transport,
3. open space,
4. public realm,
5. health
6. education,
7. social services,
8. utilities,
9. libraries and
- 10 emergency services.

The current proposal will deliver at least 4 of the above priorities.

- 8.3 Any request for contributions should be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that sets out that any obligation must meet the following requirements:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- 8.4 The highest priority in the Delivery Framework is affordable housing and the current proposal will deliver 22 units (30%), Although this is below the 40% identified in adopted Policy AH1 a reduced level of affordable housing is considered to be justified in this case having regard to the DV viability report and the proposed open space provision.

8.5 The infrastructure contributions have been reviewed in the context of the amended CIL Regulations which took effect in April 2015, as follows:

- **Primary Education** @ £2360.96 per applicable house & £590.24 per applicable flat ('Applicable ' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the Coxheath Primary School enhancement
- **Secondary education** @ £2359.80 per applicable house & £589.95 per applicable flat towards Phase 2 of the expansion of Cornwallis school
- **Library bookstock** at £21.31 per dwelling - project: bookstock for the new residents of this development supplied to Coxheath Library
- **Community Learning** at £30.70 per dwelling – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- **Youth equipment** at £8.44 per dwelling - required for the new attendees from this development supplied to Youth Workers of the Maidstone Street-Based outreach attending at Coxheath Village Hall
- **Social Care** at £15.95 per dwelling – project central Maidstone Changing Places Facility; Social care also request delivery of 3 Wheelchair Accessible Homes within the affordable housing on site.

8.6 The County Council has confirmed there are no more than 4 other obligations towards any of these projects. These requests are considered to be justified and necessary to mitigate the impact on service provision likely to be generated by the development as well as complying with the requirements of the CIL Regulations. However having regard to the DV's viability assessment and the priorities set out in the Delivery Framework above, it is recommended that the proposed contributions to community learning, social care, youth workers and libraries which are of lower priority in the Delivery Framework are omitted.

8.7 **Highway improvements:** A contribution of £1500 per dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. This is justified due to the impact that development in Coxheath will have on the junction rendering it beyond designed capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across a number of local development sites.

8.8 **Healthcare:** NHS Property Services has requested an increased healthcare contribution of £43,804.80 to be used specifically for expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. This request meets the required tests and will mitigate the additional impact on service provision likely to be generated by the development.

8.9 **Open Space:** Parks and Leisure have advised that the minimum expected provision of on-site open space for a development of this size would be at least 0.42ha. The current proposal is for 1.5 acres (0.6ha) and so the minimum requirement has been met. The precise use of the proposed open space is not known at this stage, but as Coxheath is underprovided in terms of outdoor sports facilities it is recommended that the scheme should meet this specific local need. The amount of open space now

proposed has been reduced from 3 acres in the original scheme to 1.5 acres in the amended scheme. This level of reduction has been necessary in the context of the viability assessment and to secure 30% affordable housing.

- 8.10 The main priorities for contributions in this case are considered to be affordable housing, open space, health and education. On the basis that the viability assessment concluded that the amount per unit is £3810 (ie. a total of £281,940 for 74 dwellings) it is recommended that the contributions for primary and secondary education and healthcare apportioned equally between the main priorities, ie £1270 per dwelling. However in order to ensure that the contributions are within the limits identified in the viability assessment it is recommended that the contributions to primary and secondary education should be proportionally reduced. It should also be noted that this site has been excluded from the requirement to make a highway contribution of £1500 per dwelling in response to the viability assessment.

9.0 CONCLUSION

- 9.1 Although the site is located outside the present built-up extent of Coxheath as defined in the adopted Local Plan it is considered to be a suitable location for housing development in terms of sustainability and will contribute towards the current shortfall in the 5 year supply of housing land. This suitability of the land for housing is recognised in the emerging Local Plan where the site is allocated for residential development. As such the development is considered to be compatible with the NPPF and this is sufficient grounds to depart from the Development Plan
- 9.2 The illustrative site layout shows the recreational uses situated along part of the road frontage to Stockett Lane with the residential area mainly to the rear but with some housing along the frontage to Stockett Lane. The mature hedge along the road frontage will be retained to assist in screening the proposed development and additional landscaping is proposed around the site boundaries to screen the development from the south and west.
- 9.3 Access is not a reserved matter and forms part of the outline application. Kent Highway Services have considered the revised site access plan which has narrowed the width of the proposed access road and also the proposed traffic implications arising from the development. They have advised that they have no objections to the development in terms of its impact on the local road network or in terms of the proposed site access. Appropriate conditions can be imposed relating to parking provision and construction of the access road
- 9.4 A S106 Agreement is proposed to secure infrastructure contributions to affordable housing, open space, Primary and Secondary Education and healthcare.
- 9.5 Although the level of affordable housing has been increased to 30% this still falls below the level required by Policy AH1 but recognises the provision of a substantial area of open space as part of the scheme and reflects the overall viability assessed by the DV. The NPPF advises that LPAs should provide a 5 year supply of housing land which should be given significant weight particularly where the adopted local plan is out of date. The concerns raised by the Parish Council have been carefully considered, in particular the conflict with the draft NP, the inclusion of affordable housing and the reduction in the amount of open space but it is

concluded that little weight can be given to the NP at this stage and the balance should be in favour of meeting the shortfall in housing land supply.

10.0 RECOMMENDATION –

Subject to the prior completion of a S106 agreement in such terms as the Head of Legal Services may advise to secure the following infrastructure contributions:

- Affordable housing – 30% affordable units to be provided
- 0.6ha of on-site open space for the provision of outdoor sports facilities to be maintained in accordance with a long term management plan
- Primary Education: £1270 per applicable house towards the Coxheath Primary School enhancement
- Secondary education: £1270 per applicable house towards Phase 2 of the expansion of Cornwallis School
- Healthcare: £1270 per applicable house towards the Stockett Lane Surgery and Orchard surgeries in Coxheath

The Head of Planning and Development be delegated authority to GRANT planning permission subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

b. Appearance c. Landscaping d. Layout e. Scale

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans – (dwg. no. ZP001).

Reason: To ensure that the development is implemented in accordance with the submitted plans.

4. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

5. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and boundary treatment,

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using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure an appropriate appearance and setting to the development.

6. No dwelling shall be occupied until space has been laid out within the site in accordance with the details approved pursuant to condition 1 for 2 cars to be parked within the curtilage of each dwelling.

Reason: In the interests of highway safety

7. The garages /car spaces to be provided pursuant to condition 1 shall be kept available for the parking of motor vehicles at all times The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: In the interests of highway safety

8. No structure or erection exceeding 1 metre in height shall be placed within the sight lines from the proposed access onto Stockett Lane.

Reason: In the interests of highway safety

9. 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 (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 before the development is completed.

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

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework (NPPF

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the NPPF.

12. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the NPPF.

13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the NPPF.

14. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.

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- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.

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

Reason: no details have been submitted and in the interests of ecology and biodiversity

15. No lighting shall be placed or erected on the site including the site of the proposed community facilities without the prior approval of the Local Planning Authority. Any lighting details for the community facilities that are submitted shall include inter-alia;

- a) Details of the lighting pylons and luminaires, which shall be of an asymmetric type.
- b) Details of lighting plots showing the dispersal and intensity of light/lux level contours within the site including the residential properties on the east side of Stockett Lane and Linden Farm and Linden Barn and demonstrating that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2.
- c) Details of measures to prevent excessive light spillage outside any floodlit areas.

Reason: To prevent light pollution and in the interests of residential amenity

16. Before work commences full details of existing and proposed ground levels and finished slab and floor levels shall be submitted to and approved by the LPA and the development shall be undertaken in accordance with the approved details.

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

17. Details of the siting of bird and bat boxes, bat bricks and swift bricks shall be submitted for approval and shall be installed at suitable locations on the site in accordance with the approved details.

Reason: in the interests of wildlife protection.

INFORMATIVES

1. The Environment Agency has advised that:

a) Soakaways should be constructed as shallow as practicable and should, under no circumstances, intersect the water table. Where the surface water is potentially contaminated (e.g. road / car park run-off), this is particularly important and it is essential to maintain the maximum distance possible between the base of the soakaway and the water table to allow the attenuation and biodegradation of pollutants.

b) No soakaways shall be constructed in contaminated ground, unless an appropriate risk assessment has shown that risks to groundwater are minimised and acceptable.

c) They will object to the use of deepbore soakaways unless the developer can show: there is no viable alternative; there is no direct discharge of pollutants to groundwater; that

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risk assessment demonstrates an acceptable risk to groundwater; and that pollution control measures are in place. In the few circumstances where borehole soakaways are permitted, each soakaway should be protected by incorporating a SUDS technique or, where this is unfeasible, an oil separator. The borehole casing should extend into a separate chamber and be fitted with a hood or similar device to prevent direct downward flow into the borehole. The depth of the borehole should be agreed with the Environment Agency.

d) Discharge of surface water to ground from the car park areas should include appropriate pollution mitigation measures.

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.”

Case Officer: Tim Bloomfield

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