

REFERENCE NO - 19/506182/FULL

APPLICATION PROPOSAL

Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.

ADDRESS Land West Of Church Road, Otham, Kent, ME15 8SB

RECOMMENDATION – APPROVE WITH CONDITIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion.
- The application proposes 421 houses and for the reasons outlined in the report complies with the criterion under policy H1(8) subject to the legal agreement and conditions.
- The allocation of the site for housing inevitably has an impact upon the setting of listed buildings to the north but this would be minimised and would be less than substantial. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, outweigh this less than substantial harm.
- KCC Highways are raising objections on the basis of an unacceptably severe traffic impact on the A229/A274 and Willington Street corridors, and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission.
- Historic England are raising objections as no dedicated church car park is proposed so there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report the Local Planning Authority does not agree the development would threaten the Church's economic viability.
- The application complies with site policy H1(8) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.

REASON FOR REFERRAL TO COMMITTEE

- Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below.
- Otham Parish Council objects and requests the application is considered by the Planning Committee for the reasons set out below.

<ul style="list-style-type: none"> The recommendation is contrary to the view of Kent Highways and Historic England (statutory consultees). 			
WARD Downswood And Otham	PARISH/TOWN COUNCIL Otham & Downswood	APPLICANT Bellway Homes Limited AGENT DHA Planning	
DECISION DUE DATE: 13/04/20	PUBLICITY EXPIRY DATE: 10/02/20	SITE VISIT DATE: 17/04/19 & 10/10/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
19/501029	EIA Screening Opinion for the proposed residential development of up to 440 dwellings and associated access, landscaping and other works on land west of Church Road, Otham.	EIA NOT REQUIRED	17/04/19
19/501600	Outline application for up to 440 residential dwellings, with associated access, infrastructure, drainage, landscaping and open space (Access being sought with all other matters reserved for future consideration).	PENDING	

1.0 DESCRIPTION OF SITE

- 1.01 The application site has an area of approximately 16.1ha and is to the west of Church Road. The site is to the southeast of Maidstone and is between substantial residential areas to the north, west and southwest, namely cul-de-sacs within the Downswood area to the north, Chapman Avenue to the west and Woolley Road to the south. To the east are open agricultural fields and immediately to the south/southeast are a number of detached residential properties at The Rectory (Grade II listed) and Squerryes Oast. St Nicholas's Church (Grade I listed) and Church House (Grade II listed) are to the north of the site.
- 1.02 The site is in the main, an open arable field but includes an area of land at its north end that wraps around the north side of the church which has numerous trees, scrub vegetation and grass, and over which public footpath KM86 runs. The boundaries of the site are formed by established hedging on the Church Road frontage, hedging to the boundary with 'Squerryes Oast', and trees on the south, west and north boundaries. There is an area of Ancient Woodland (AW) to the southeast of the site.
- 1.03 The site is highest at its south end with a gradual fall to the north. To the west where the site backs onto gardens of properties within Chapman Avenue, there is a considerable level difference between the site and Chapman Avenue.

1.04 Importantly, the site is allocated for housing development in the Local Plan and policy H1(8) allows for up to 440 houses and sets out a number of criteria to be met.

1.05 A separate outline application for up to 440 houses was reported to Planning Committee in October 2019 with a decision deferred for a number of reasons. That application is being reported back to Committee on this agenda.

2.0 PROPOSAL

2.01 This application seeks full permission for 421 houses with two access points off Church Road, and pedestrian/cycle links northwest, northeast and south. A range of detached, semi-detached, and terraced houses are proposed and a number of apartment blocks to provide a mix of house types and sizes. Affordable housing would be provided at 30% (126 units). Houses would be largely 2 storeys in height with the apartment blocks at 3 storeys. Building designs are 'traditional' in style in terms of their height, form and appearance. Significant areas of open space are provided around the edges and within the housing areas. The design and layout will be discussed in more detail in the assessment below.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP18, SP19, SP20, SP23, H1, OS1(16), ID1, H1(8), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Otham Parish Council:** Strongly object to the application for the following (summarised) reasons:

- Increased traffic and congestion.
- Highway safety for vehicles and pedestrians.
- Will be traffic problems at all local junctions.
- Church Road is narrow and not suitable for additional traffic which will raise safety issues.
- Proposed traffic calming on Church Road will cause queuing.
- Lighting for proposed traffic calming on Church Road is not suitable by listed building or local area.
- The setting of St Nicholas Church will be irrevocably harmed.
- Area of green space should be preserved as it provides a lung to the urban areas.
- Lack of local infrastructure.

4.02 Downswood Parish Council: Raises objections for the following (summarised) reasons:

- Will result in severe traffic congestion.
- Proposed traffic mitigation measures will make the situation worse.
- Inconsistency in the detail, standard and quality of the investigative work carried out and the reports submitted.
- Misleading and incorrect statements are made and deficiencies in various reports
- Missing documents.
- Lack of assessment of noise and vibration, Community impact and severance, visual intrusion from existing residents' perception, and cumulative environmental impact.
- Loss of green open space for existing residents.
- Not in accordance with sections 9, 15 and 16 of the NPPF.
- Unacceptable impacts upon highway safety.
- Land stability and underground conditions have not been suitably assessed.
- No substantial benefits to outweigh harm to the listed Church.
- Contrary to policies SP18, SP23, and DM1, DM3, DM4, DM12, DM21, DM23.
- 3 storey apartments are not in keeping and on the edges of the site.
- Doesn't respect neighbouring amenity.
- Residents will be exposed to excessive noise, vibration, odour, and air pollution.
- Overlooking, visual intrusion, loss of privacy and light.
- Loss of views of the countryside.
- Lack of primary and secondary school places.
- Poor design.
- No emergency access.
- Object to PROW being a shared footway/cycleway.
- No mention of disabled parking.
- Doesn't comply with site policy H1(8).
- Loss of hedging on Church Road.
- Lack of assessment of air quality impacts off site.
- Foul and surface water drainage is questionable.
- Traffic signals as Willington Street/Deringwood Drive would not work and would be dangerous.
- Church Road/Deringwood Drive changes are dangerous.
- Spot Lane/Ashford Road changes are not sufficient.
- Will have a wide-ranging visual impact.
- The SUDs proposals may not be feasible.
- Lack of pedestrian/cycle links.
- Harm to ecology.
- Archaeology work not sufficient.
- Lack of local infrastructure

4.03 Bearsted Parish Council (neighbouring): Raises objections for the following (summarised) reasons:

- Traffic impact will be severe.

- Congestion on local roads.
- Not a good location for modal shift.
- Highway safety and congestion on Roseacre Lane and the Spot Lane junction with the A20.
- Flooding can make roads impassable adding to congestion.

4.04 **Joint Parishes Group:** Support the objections raised by Parish Councils.

4.05 **Bearsted & Thurnham Society:** Raises objections for the following (summarised) reasons:

- Traffic lights at Deringwood Drive/Willington Street have been rejected on safety grounds and will increase pollution.
- Congestion on local roads.
- Church Road is a narrow country lane.
- Lack of local services/infrastructure.
- Design not in keeping.
- Harm to the listed church and lack of parking for users of church.

4.06 **Chapman Avenue Area Residents Association:** Raises the following (summarised) points:

- Process adopted by Planning Department and Planning Committee is underhand.
- Increased traffic, congestion, and highway safety issues.
- Traffic impact is severe.
- Will block views of the Church from existing houses.
- Site allocation was ill thought out.
- Strong objections from KCC Highways.
- Traffic lights are not suitable and will be dangerous.
- Increased pollution from traffic lights.
- Traffic data is unrealistic.
- Increased flood risk.
- Land stability needs to be addressed.
- Density too high.
- Poor public transport options.
- Views will be damaged and there will be light and noise pollution.
- Harm to wildlife.
- Oppressive to outlook and loss of privacy.
- Served by narrow country lanes.
- Overwhelmed congested traffic system.
- Highway safety.
- Sewage capacity problems.
- Flood risk.
- Potential for anti-social behaviour.
- How will landscaped areas be managed.
- Damage to the environment.
- Design not in-keeping.
- Harm to setting of listed buildings.
- Air pollution.
- Poor open spaces.
- Pressure on existing infrastructure and no new facilities proposed.

- Archaeology.
- Density is too high.

4.07 The Parochial Church Council: Raises objections for the following (summarised) reasons:

- Lack of car park will create parking difficulties for church.
- Can't extend churchyard.
- Loss of parking on Church Road from new accesses.
- Church car park would not cause any harm above the housing.
- Pedestrian conflicts.
- Parking provision is needed.

4.08 Local Residents: 363 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.
- Pedestrian safety including school children.
- Rat running occurs on local roads.
- Will encourage dangerous driving.
- Church Road is not safe or suitable for additional traffic.
- Traffic lights on Willington Street will be dangerous and cause further congestion.
- Increased noise and pollution to properties near proposed traffic lights.
- Spot Lane/A20 junction is dangerous.
- Changes to Spot Lane/A20 junction will make no difference.
- Spot Lane floods.
- Traffic calming measures will make traffic worse.
- Traffic calming lighting is not suitable next to listed building.
- Cars won't be able to get out of the site.
- Travel Plan is totally unrealistic.
- Do not listen to Kent Highways advice.
- Need speed bumps.
- Congestion harms local businesses.
- Congestion delays emergency vehicles.
- Junction mitigation has not been carried out.
- Traffic calming on Church Rd won't allow larger vehicles to pass.
- Damage to roads.
- Question accuracy of Transport Assessment.
- Relief road is needed.
- Flood risk.
- Inadequate foul drainage.
- Question surface water report.
- Poor connections for pedestrian and cyclists.
- Poor public transport.
- Should have park and ride.
- Car-reliant and unsustainable.
- Lack of parking proposed.
- Land stability issues on the site and in Chapman Avenue.
- More testing should be carried out for drainage and stability.
- Potential damage to neighbouring properties from subsidence.

- Geology brings into question surface water proposals.
- Visual impact.
- Density too high.
- Harm to wildlife/ecology.
- Water pollution.
- Lack of ecology surveys.
- Lack of local green space.
- Loss of countryside.
- Loss of rural character.
- Loss of ancient woodland.
- Loss of Grade 2 agricultural land.
- Loss of hedge.
- Loss of trees.
- Substantial harm to the setting of the Grade I listed Church.
- Will block view of Church.
- Car park should be provided for the Church.
- Pile driving could harm listed buildings.
- Loss of land to extend church yard.
- Buff brick colours not appropriate near church.
- Ancient burial site.
- Lack of infrastructure and amenities including schools and surgeries.
- No local medical centre.
- Lack of water supply.
- Traffic noise.
- Noise from new residents.
- Overlooking/loss of privacy particularly from apartments.
- Overshadowing/loss of light.
- Overbearing.
- Air quality/pollution.
- 3 storey buildings are out of place.
- Gardens are too small.
- No use of ragstone.
- Crime.
- Loss of agricultural land.
- Other more suitable sites.
- Brownfield land should be used.
- Noise and dust during construction.
- Construction could damage properties.
- Lack of public consultation by applicant.
- Other people should be able to enjoy the area.
- Excessive amounts of information provided.
- Assessments are flawed and desktop based.
- Loss of property value.
- Loss of views.
- Affordable housing will put additional pressure on police force.
- Increased risk of crime.
- Documents have been uploaded at different times without sufficient time to comment.
- Additional documents should have been uploaded to the website earlier/when they were received.
- Contrary to the NPPF.
- Contrary to numerous Local Plan policies.

- Development outside the site allocation in the southeast corner.
- Site should not have been allocated.
- Site allocation process was mishandled by offices and members.
- Development is premature.
- Question land ownership.

4.09 **Borough Councillor Newton** requests the application is considered by the Planning Committee and raises the following (summarised) points:

- Harm to the setting of the Grade I Church which was constructed prior to the Domesday Book.
- Harm to the setting of the Grade II listed buildings.
- Full archaeological survey should be carried out if permission is granted.
- Poor local facilities which require a car to drive to.
- Access and roads to the site are unsuitable.
- Traffic lights will be dangerous in icy conditions and increase congestion on Willington Street.
- Spot Lane junction changes will increase the chance of collisions.
- Congestion caused by flooding and traffic calming on Mallards Way.

4.10 **Borough Councillor McKay**: Raises the following (summarised) points:

- Highway safety on Church Road.
- Church Road is not wide enough and cannot be widened.
- Access plan is not accurate.
- Traffic lights at Deringwood Drive/Willington Street junction will increase congestion and raise safety issues and a decline in air quality.

4.11 **County Councillor Cooke**: Raises the following (summarised) points:

- Traffic congestion.
- Church Road is narrow and unsuitable
- Junction changes at Deringwood Drive/Willington Street would render junction more unsafe.
- Should be refused on highway grounds.
- Adverse impact on Grade I listed Church.
- No planning gain from the dedicated car park for the church.
- Flooding from surface water.
- Lack of local service and infrastructure.

4.09 **Helen Whately MP**: Outlines the concerns of local resident's as follows:

- The increased traffic generated by the proposal will create chaos and severe congestion in Deringwood Drive and Willington Street.
- There have already been accidents at the junction with Church Road and Deringwood Drive and increased traffic can only make it more dangerous.
- The church is a Grade 1 listed building and will be seriously affected by this development.
- There is inadequate provision for disposal for surface water.
- There are no plans for additional local amenities such as schools, dentists or doctors which are already over stretched.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **Highways England: No objections** subject to a financial contribution of a proportionate amount being made to address the mitigation works needed at M20 J7.
- 5.02 **Historic England: Raise objections** regarding the setting of the Church and consider that without a dedicated church car park there is less heritage benefit which might outweigh the harm arising from this application, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability.
- 5.03 **Natural England: No objections.**
- 5.04 **Environment Agency: No objections** subject to conditions.
- 5.05 **KCC Highways: Raise objections** on the basis of an unacceptably severe traffic impact on the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road due to a greater likelihood of hazardous conflicts between road users.
- 5.06 **KCC Economic Development:** Seek £1,096,089 towards the extension of 'Greenfields Community Primary School' to mitigate the impact of the development.
- 5.07 **KCC SUDs: No objections** subject to conditions.
- 5.08 **KCC Archaeology: No objections** subject to condition.
- 5.09 **KCC Minerals:** No comments to make.
- 5.10 **KCC PROW:** Question how PROW KM86 will be accommodated within the development and concerns raised with the proposal to establish a cycle route along this path as the legal status of the right of way will need to be changed to enable cycling, in addition to physical path improvements on the ground.
- 5.11 **KCC Ecology: No objections** subject to conditions.
- 5.12 **MBC Conservation Officer:** Advises that the harm to the Church and Church House would be less than substantial.
- 5.13 **MBC Environmental Health: No objections** subject to conditions relating to charging points; lighting; travel plan; and contaminated land.

5.14 **MBC Landscape Officer:** Raise some concerns regarding future pressure on trees along part of the east boundary.

5.15 **Southern Water:** Confirm there is sufficient capacity.

5.16 **Forestry Commission:** Refers to standing advice on Ancient Woodland.

6.0 APPRAISAL

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.02 The Local Plan allocates the site for 440 houses under policy H1(8) subject to a number of criterion covering matters relating to design and layout, access, air quality, open space, infrastructure, highways and transportation.

6.03 This is a detailed application for 421 houses. Clearly, the principle of housing is accepted under Local Plan policy H1(8) so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.

6.04 The key issues for the application are centred round site allocation policy H1(8) as follows:

- Access and connectivity.
- Layout and open space.
- Design, appearance and landscaping.
- Heritage impacts.
- Highways impacts.
- Infrastructure.
- Other matters including Affordable Housing, Air Quality, Drainage, Ecology, and Amenity.

6.05 The revised NPPF has a chapter dedicated to design (12- Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity

6.06 Policy H1(8) states:

8. Access will be taken from Church Road only

5. The hedge line along the eastern boundary of the site with Church Road shall be retained and strengthened where not required for access to the site.

- 6.07 The application only proposes vehicular access from Church Road via two access points which is in accordance with policy H1(8). These would be close to the north and south ends of the site on the Church Road frontage. The access points have been assessed by Kent Highways and Kent Fire and Rescue and judged to be suitable and safe.
- 6.08 The proposed accesses and required visibility splays inevitably mean that some of the existing hedging fronting Church Road will need to be removed (approximately 125m). However, new native hedge planting is proposed behind the visibility splays and other native tree and shrub planting to strengthen the existing hedging in general, this being a positive landscape feature of the site. These measures are shown on the Landscape Strategy Plan but the fine details of species and number of plants etc. will be secured under a condition. The condition will specify the measures required and will ensure compliance with criterion 5 of the site policy.
- 6.09 In terms of connectivity, it is proposed to provide a new pavement from the northern access along the front of the Church within highways land to link with the existing pavement further north. As this pavement would be narrower than the 2m normally sought due to the width of Church Road (being between 1.2m to 2m and on average around 1.6m), a hard surfaced path is proposed around the north side of the Church and into the site to provide an alternative attractive route.
- 6.10 This hard-surfaced path would run across the north part of the site and connect with the pedestrian link to 'The Beams' in the northwest corner which provides access towards Willington Street and 'Greenfields Primary School'. KCC PROW and Highways refer to the existing paths here being steps and so this raises issues over access for all users. This is not the only connection to the west as there is a connection to the south (discussed below) that provides access in this direction so it is not necessary for changes to these steps to be made.
- 6.11 Public right of way (PROW) KM86 also runs across this area to the north of the Church. The definitive line of this PROW is not actually walked on the ground and an alternative more direct route is used. The applicant is proposing to upgrade and hard surface the route walked on the ground and provide a separate cycle route alongside part of the path. KCC PROW recommends that the PROW is diverted to follow the applicant's proposed route so there are not two routes and to also allow room for the cycle route alongside. The applicant is agreeable to this approach and would need to apply for a diversion under separate Highways legislation. Should the diversion not be successful this would simply mean that the current situation remains but with a new hard surface. This would be acceptable and causes no harmful impact upon the definitive PROW. As the diversion is not necessary to make the development acceptable a condition is not required but the applicant will be encouraged to apply for this diversion by way of an informative.

6.12 To the south, it is proposed to provide a pedestrian/cycle link via the Council owned public open space to link up with Woolley Road. This would provide an appropriate link to shops, 'Senacre Primary School', and bus stops to the south. The applicant would provide the pathway on the application site and has confirmed they would continue and construct this on the Council owned land. The Council's Property Section have confirmed that they have no objections to this. A condition will be imposed to secure the link and a pathway on Council owned land. Whilst outside the applicant's control this condition is reasonable as this is land in public ownership, and the Council has indicated it has no objections to this being provided.

6.13 So overall, the vehicular access points comply with policy H1(8), are safe, and the scheme provides good pedestrian/cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of the Local Plan.

Layout and Open Space

6.14 Policy H1(8) requires:

- 1. The tree line along the western boundary of the site will be enhanced, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 2. An undeveloped section of land will be retained along the western boundary of the site, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**
- 7. Retain discrete section of land at the south east corner of the site to provide a 15 metres wide landscape buffer to ancient woodland (bordering site at this location), to be planted as per the recommendations of a landscape survey.**
- 10. Provision of approximately 2.88ha of natural/semi-natural open space consisting of 1.4ha in accordance with policy OS1(16), and 1.48ha within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.**

6.15 The roads and houses are set back around 8m-15m from the boundary/tree line along the western boundary and so this area is undeveloped apart from a path which provides a recreational route around the development. New landscaping can be secured to improve this buffer and provide an

appropriate setting in accordance with criterion 1 and 2. Building would be set back just over 35m from the east edge of the site to maintain clear views of St Nicholas Church from Church Road in line with criterion 3. Further open space is proposed to the south and southeast of the Church to provide space to limit the impact upon the setting of the Church. Land to the north and west of the Church would be maintained as undeveloped and provide a natural/semi-natural area of open space to benefit biodiversity in line with criterion 6. In the southeast corner a large undeveloped area providing in excess of a 30m buffer to the Ancient Woodland (AW) is proposed in line with criterion 7.

- 6.16 In terms of open space, criterion 10 requires a total of 2.88ha to be provided for the development. In line with policy OS1(16), and as shown on the Local Plan map, part of this is land to the north and west of the Church and this area would be natural/semi-natural space. The Local Plan also seeks land in the southeast corner of the site and this is provided. Two houses are proposed in a small part of this open space area but this would not cause any visual or landscape harm to the surrounding area as they would be surrounded by new landscaped areas within the site and existing woodland and vegetation outside the site. This would be a natural/semi-natural area providing a buffer to the AW. Together with the buffers around the site and Church and more formal areas within the developed area including children's play areas, a total of 3.6ha of open space would be provided which is in excess of the site policy requirement. This is reflected in the density of the development which at 26 dwellings per hectare is slightly lower than the typical density of recent urban edge housing developments which tend to be around 30dph but this is appropriate bearing in mind the open space requirements and proximity of the listed Church.
- 6.17 This amount of open space is considered appropriate for this size of development and provides a mix of types including natural/semi-natural, more formal space, and play areas. For these reasons it is considered that the application complies with design, layout, and open space requirements of policy H1(8).
- 6.18 More generally, the layout has been developed using the constraints and opportunities at the site. This includes the required buffers around the edges of the site and to the Church and listed buildings but also providing different open space areas through the developed area as well. A key element of the scheme is to utilise views of the listed Church from within the development to create a unique sense of place.
- 6.19 Different character areas are proposed across the scheme and these are created largely from the different areas of open space proposed and are described and assessed below.
- The 'Frontage' character area to Church Road has buildings set well back from the road and relatively low in density with detached houses and a significant landscape buffer which limits the impact upon the character of Church Road as far as possible and ensure views of the Church.

Structural native tree and shrub planting is proposed to provide a buffer at the front of the site and a new native hedgerow.

- The 'Entrance' character area around the northern access by the Church is largely open and spacious with detached houses fronting onto the spine road with wide planted verges and structural tree planting. Estate railings are proposed to create a semi-formal parkland character. This is appropriate to provide an arrival space which is sympathetic to the Church setting. A small orchard is proposed to the north of the entrance with wild meadow planting.
- The 'Avenue' character area around the southern access provides a tree lined street linking the access to the central green. There would be strong building lines and front gardens would be enclosed with hedgerows and picket fences. This provides a distinct entrance to the site here.
- The 'Central Green' character area provides a key focal point within the development. It provides useable open space and a children's play area and is bounded by 2, 2.5 and 3 storey buildings which provide enclosure and surveillance of the open space. The large central area of open space provides a sense of arrival and meeting place/focus within the middle of the site as advocated by 'Maidstone Building for Life 12'. In the southeast corner of the central green there would be a hard-surfaced area that would use high quality paving laid to direct views towards the Church along a green corridor. Tree planting would be provided on the boundaries of this space.
- The 'Greenway' character area is the link and view corridor from the central open space towards the Church. It features tree-lined verges and the buildings either side frame the vista and draw attention to the Church spire creating a sense of place.
- The 'Square' character area is an area of open space within the southern part of the site that is arranged around a formal landscaped square with a small children's play area. This provides an interesting and contrasting formal space against the natural/semi-natural spaces around the outsides of the development.
- The 'Green Edge' character area runs along the south, west and part of the north boundaries. These areas feature narrower roads with cul-de-sacs and private drives and a lower density with detached houses. Landscaping would be provided to supplement existing trees and hedges which would provide a quality setting to the development.

6.20 These areas create a distinct character using the different areas of open space as their focus across the site as advocated by 'Maidstone Building for Life 12'.

6.21 The built areas are made up of perimeter blocks with buildings facing outwards to ensure active streetscenes. Where flank elevations are exposed

windows and/or different materials at first floor level are provided to ensure interest. On corners, buildings are dual fronted to address both streets.

- 6.22 The proposed affordable housing is spread throughout the development in three areas so is well integrated and would be tenure blind so it would not appear any different to the market housing in accordance with policy SP20.
- 6.23 Overall, the layout is considered to be of high-quality providing connections to the local area, creating a unique sense of place with distinct open space and character areas in accordance with policy DM1 of the Local Plan and 'Maidstone Building for Life 12'.

Design, Appearance & Landscaping

- 6.24 The house designs are 'traditional' in form and appearance with detached, semi-detached, and terrace houses with mainly gabled roofs. Interest would be provided from two storey projecting gables, bay windows, porches and detailing in the form of soldier courses, bricked arches above windows, and bullnose hanging tile detailing. The apartment blocks would be three storeys in height and their mass would be broken up with varying ridge heights, projecting gables set down from the main ridge lines, juliette balconies, different materials, and fenestration on all elevations to provide relief. Whilst comments have been received stating that three storey buildings are not in keeping with the local area, the massing of these buildings is appropriately broken up and variations in heights will provide interest across the scheme.
- 6.25 Materials would include red and buff coloured multi-stock bricks, clay roof and hanging tiles, slate roof tiles, and white composite boarding on some properties. A number of houses would be predominantly finished in ragstone and these are at prominent locations across the development including at the site entrances and on corners. Not only would this provide a quality vernacular material but the buildings would provide focal points and wayfinding points across the development.
- 6.26 Hard surfaces are predominantly block paving for roads, parking spaces and parking courts and resin bound/block paved paths for the open space areas. Boundary treatments include ragstone walls at the entrances, brick walls on exposed boundaries, picket fencing and metal railings.
- 6.27 Parking provision would accord with adopted standards with around a quarter of properties with tandem spaces, where the standards seek independently accessible spaces. The reason being that occupants may be less reluctant to use their tandem spaces and instead park on roads. To counter this an over-provision of on-street visitor parking bays are proposed. I consider this strikes the right balance between on-plot parking provision and an attractive development that is not dominated by parking.
- 6.28 In addition to the planting schemes within the different character areas outlined above, landscaping across the scheme involves significant numbers of street trees to create the main formal crescent avenue through the development but also within the smaller streets. Smaller streets would also

feature significant hedgerows enclosing front gardens. For the edges of the site, native structural planting is proposed and for the edge to the Ancient Woodland in the southeast corner a large area of native tree and shrub planting is proposed. The species indicatively put forward at this stage are mainly native but do include more ornamental species in some of the housing streets. The full details are not provided at this stage but some species are not appropriate such as cherry laurel which can be invasive. Therefore a condition will be attached requiring specific details and specify a requirement for predominantly native planting. However, overall the amount of proposed landscaping would provide a high quality environment and setting to the development.

6.29 With regard to trees, no trees would be removed for the development as they are on the edges of the site. There are a few areas where there is a small RPA conflict with proposed roads and parking spaces, but these all fall in previously ploughed land, so the landscape officer would expect any potential root presence to be below plough depth and, in any event, arboricultural supervision is proposed to ensure that any excavation is carried out to minimise potential damage. The landscape officer has raised some concerns regarding the proximity of houses to trees along part of the west boundary by 'Squerryes Oast' and potential future pressure on these trees due to shade. The majority of these trees are within the site, are category B trees and would provide good screening/softening of the development. I consider these trees should be retained and therefore the applicant has moved the houses forward by two metres to provide more space and on balance this is considered to be acceptable. These trees can be retained under the landscaping scheme and an Arboricultural Method Statement secured by condition can provide details of any pruning required.

Heritage Impacts

6.30 Policy H1(8) requires:

- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**

6.31 As outlined above, the proposed plans ensure compliance with the above criterion which relate to St Nicholas Church so the proposals comply with policy H1(8).

6.32 There are a number of heritage assets near to the site. Notably, St Nicholas's Church (Grade I listed) and two Grade II listed monuments within the grave yard, and 'Church House' (Grade II listed) immediately to the north of the site. There is also 'The Rectory' (Grade II listed) to the

south. Further afield, the Otham Conservation Area is 770m to the southeast.

- 6.33 The NPPF outlines at paragraphs 193 and 194, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also requires the local planning authority, when assessing an application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.34 The development in particular has an impact upon the setting of the Grade I listed Church as it forms part of its historic rural open setting to the south. This setting and the visibility it affords of the Church in its historical context forms part of its significance and development of the site would affect this. Churches were obviously built of a certain scale so they were visible from some distance. There would be an impact upon the setting of Church House (GII) but this would to a lesser extent as this building is less prominent from the application site and wider area, so the openness of the application site does not contribute greatly to its significance.
- 6.35 The allocation of 440 houses at the site would inevitably result in some harm to the setting of the two listed buildings to the north. Such impacts upon the setting of these listed buildings were clearly accepted when the Local Plan Inspector agreed that the allocation was acceptable for 440 houses, subject to criterion 3, 4, and 6, which all seek to protect the setting of St Nicholas Church, and in turn Church House.
- 6.36 It is therefore a case of minimising the impact upon the heritage assets and securing sensitive design in line with Paragraph 190 of the NPPF and policy SP18 of the Local Plan. To this end, discussions have previously been held with Historic England and a large non-development area to the south of 'Church House' and to the south and southwest of the Church was agreed and has been provided. As stated above, views of the Church from Church Road would be maintained, which is one of the key public views of the Church.
- 6.37 It is considered that the layout of the development with significant space around the Church House and the Church serves to minimise the impact upon the listed buildings to the north and ensure compliance with policy H1(8). I agree with the applicant's conclusion that the harm to the listed buildings is 'less than substantial' because the layout provides undeveloped areas to the north, west, and south of the listed buildings and maintains clear views of the Church from Church Road.

- 6.38 Historic England (HE) are objecting to this detailed application because a dedicated church car park is not proposed within the site (as it was originally for the outline application). Under the outline application a car park was proposed but the resolution of the Planning Committee on 24th October 2019 was to remove this car park so whilst officers recognise the clear benefits of providing a car park, understandably the applicant has not proposed it. HE accept the principle of development at the site and accept that it is unlikely the overall harm can be reduced given other constraints on the site and thus that the proposal in its current form is capable of meeting NPPF requirements to minimise and thus also justify harm. However, HE considers that without a dedicated church car park in the application there is less heritage benefit which might outweigh the harm arising from this application. They also have serious concerns that an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which could damage its economic viability.
- 6.39 There is no requirement for the applicant to provide a dedicated Church car park, however, the scheme provides a crescent of 28 additional parking spaces at the north end of the site that could be used by visitors of the Church. These spaces would not be secured exclusively for church goers and could be used by new residents of the development but are provided on the basis that church goers are likely to park within the new development in the future. Although not necessary, this is a sensible proposal.
- 6.40 I do not agree with HE that the development would threaten the Church's economic viability. I consider the development would actually provide safer on-street parking on the roads within the new housing estate to the current situation on Church Road and so would not discourage people from using the church.
- 6.41 The site allocation I would say inevitably does not conserve the setting of the listed buildings and so there is some conflict with criterion 1 of policy DM4 of the Local Plan. However, the explanatory text to policy DM4 refers to carrying out a weighting exercise in line with the NPPF.
- 6.42 Whilst having special regard to the preservation of the setting of the Church and Church House, overall, it is considered that the public benefits of providing 421 houses including affordable housing to meet housing needs on an allocated housing site, and the associated social and economic benefits provide for clear and convincing justification for some harm to the heritage assets, and these benefits outweigh this less than substantial harm to St Nicholas Church and Church House in line with Paragraph 196 of the NPPF. The layout has been carefully designed to ensure that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing.
- 6.43 'The Rectory' (GII listed) to the south is some 50m from the edge of the site with a two storey building and vegetation between. There would also be a buffer to the front of the site that would limit development near to this

building. For these reasons the development of the site would not cause harm to the setting of this listed building. There would be no harm to the listed monuments within the church yard as the site is generally screened from these and it is considered that their setting is confined to the church yard. I concur with the Council's Conservation Officer that due to the distance from the edge of the Otham Conservation Area (770m), the development would have a minimal impact upon its setting, and I consider no harm would be caused.

- 6.44 In relation to archaeology, KCC Heritage advises that on the back of geophysical surveys carried out by applicant, there are no indications of significant archaeology surviving on the site. However, they suggest the area around the church may contain important archaeology (which may be revealed following intrusive field evaluation works) and recommend a condition to this end, which is considered appropriate.

Highways Impacts

Wider Network/Strategic Junctions

- 6.45 The Local Plan examination process which led to the adoption of the Local Plan in October 2017 involved the Local Plan Inspector considering, in great detail, the highways impacts and mitigation for the southeast Local Plan sites (which includes the application site), including objections/representations from statutory consultees and third parties. This involved carefully considering evidence provided by the Council, including the A274 Corridor Study, and the specific mitigation being a number of junction improvements on the A274, bus priority measures and bus service improvements (monies towards some of which had already been secured under planning permissions). The Local Plan Inspector was satisfied that the Council's evidence demonstrated the traffic impact of the Local Plan sites could be suitably mitigated, and in his Final Report concluded,

"169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.

170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

- 6.46 The adopted Local Plan therefore includes strategic highways improvements for the southeast Maidstone sites, and relevant to this application, they are outlined under the site allocation policy (criterion 13-17).
- 6.47 The application site and its potential development of 440 houses was included within the cumulative transport assessments carried out under the planning applications for the strategic southeast housing sites H1(7) - Land North of Bicknor Wood, and H1(10) - Land South of Sutton Road, within the Local Plan. These sites were granted planning permission in early 2018. The transport assessment cumulatively assessed all the southeast housing allocations and also included other commitment development (planning permissions at the time).
- 6.48 Under those applications, the Council accepted that the cumulative impact of development from all the southeast housing allocations could be suitably mitigated with improvements to the capacity of various junctions and improvements to bus services. Being prior to the introduction of CIL, financial contributions were secured under section 106 agreements towards various off-site highways works/improvements which are outlined in the Council's Infrastructure Delivery Plan (IDP), where the total infrastructure costs and funding streams are stated.
- 6.49 Decisions to approve permission at Planning Committee on sites H1(7) and H1(10) with financial contributions towards infrastructure were made prior to the adoption of the Local Plan in September 2017. The Local Plan Inspectors Final Report and adoption of the Local Plan confirmed that the Council's approach to mitigating the transport impact of the southeast development sites is sound.
- 6.50 For the current application, the applicant has provided a Transport Assessment and carried out up to date traffic surveys on local roads and assessments of appropriate local junctions. Whilst the Parish and residents have questioned the accuracy of the traffic surveys, Kent Highways have raised no issues with them. For wider/strategic junctions the applicant's evidence provides the likely additional impact of the development but relies upon the recent cumulative assessment of transport impacts carried for sites H1(7) and H1(10) and the mitigation (which included the application site). These assessments concluded that the cumulative traffic impact upon the local network (including the application site) would not be severe subject improvements to relevant junctions and public transport. The Council has accepted this conclusion and so this is considered to be an appropriate approach and there are no reasonable grounds to now disagree or depart from this approach that has been accepted recently by the Council.
- 6.51 The site allocation policy as criterion (13-17) relating to strategic highways and transportation improvements as follows:

13. Bus prioritisation measures on the A274 Sutton Road from the Wellington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.

14. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.

15. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.

16. Improvements to capacity at the A229/A274 Wheatsheaf junction.

17. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.

6.52 The above improvements are based on the cumulative impact of development in southeast Maidstone and so compliance with the above criterion would be via monies towards the improvements. A change in circumstances since the previous decisions is the introduction of the Council's Community Infrastructure Levy (CIL), such that any monies towards strategic highways works required from cumulative transport impacts would be via CIL rather than financial contributions under a section 106 agreement. The applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant highways improvements. This ensures compliance with the strategic highways requirements under the site policy.

6.53 Although none of the above improvements have commenced and clearly a number of the southeast sites are completed and occupied/part-occupied or under construction, the delivery of highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works. Therefore the LPA cannot withhold planning permission because highways works have not been delivered. However it is noted that Kent County Council have recently consulted on proposed improvement schemes at the junctions either end of Willington Street with Sutton Road and the A20 and along the A229 corridor with the improvements designed to relieve congestion.

6.54 KCC Highways have been consulted on the application and have raised strong objections as they consider the Transport Assessment does not demonstrate that the impact of the development can be fully mitigated and that the strategic junction improvements on the A274 and at either end of Willington Street are not expected to provide sufficient capacity. They consider the residual traffic impact on the network is considered to be severe. They state,

"The applicant has been unable to conclusively demonstrate that suitable mitigation of impact can be achieved on the A229/A274 and Willington Street corridors. KCC Highways maintain the view that the residual traffic impact on the local highway network will be unacceptably severe and an objection is raised on this basis."

6.55 Essentially, the Highways Authority does not consider that the junction and public transport improvements outlined in the Local Plan, and to which monies have been secured, are sufficient to mitigate the impact of the development. This is the same position that was taken under the previous

planning applications and at the Local Plan Inquiry by the Highways Authority. So this argument has been tested through planning applications and importantly through an Examination in Public. As outlined above, the mitigation measures are considered sound and are within the adopted Local Plan. On this basis, it is considered that the Highway Authorities objection is not reasonable grounds to refuse planning permission and could not be defended at appeal.

Public Transport

- 6.56 The scheme is designed to accommodate buses through the necessary road width of the main road which provides a loop in and out of the site between the access points. 'Arriva' have confirmed that they do not require any monies to subsidise a diversion once the development is nearing full occupation, and I note existing bus stops are within walking distance on Deringwood Drive and Woolley Road so diversion of the service is not essential. Therefore, it is not necessary to secure any funding for this service and the development has been designed to accommodate buses, with the decision to divert a commercial decision for the bus operator. As outlined above, the site has/provides good connectivity to local bus stops.
- 6.57 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle purchase discounts, walking/cycling 'buddy' schemes and the promotion of car sharing. Implementation will be overseen by a Travel Plan Co-ordinator. The indicative Travel Plan targets seek to achieve, as a minimum, a 10% reduction in single occupancy car travel, a 10% increase in the use of non-car modes of travel and a 10% reduction in peak period vehicle trips. Its aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £1,422 will be secured under a section 106 agreement.

Church Road to the South of Site

- 6.58 KCC Highways have raised an objection based on worsening safety hazards to road users on Church Road to the south of the site but not outside the site where widening to 5.5m is proposed. This is based on the road width and also lack of forward visibility in places. They state that a width of 4.8m is sufficient for two cars to pass but not two larger vehicles. The width is below 4.8m for much of its length (between 4.1m and 4.5m) and at 3.9m for a very short section. KCC consider a 5.5m width to be essential referring to the Kent Design Guide. The request for a 5.5m width is based on guidance for major access roads within new developments so in circumstances where you are proposing a new road. This is not to say it is not relevant at all to existing roads but clearly existing roads have potential constraints and it is the local context and conditions that must be taken into account.
- 6.59 The applicant states that Church Road is already a two-way road with a low incidence of accidents which is shown in the collected data. KCC acknowledge the road is already well-used and has a relatively good crash

record but outline that there will be additional traffic movements from the development. Having driven this road both ways a number of times including in the AM peak, I noted that in a limited number of places cars had to stop to let other cars pass but it was generally a case of slowing down to pass. When larger vehicles are involved, stopping would probably need to be carried out as some representations on the application suggest. The applicant's traffic flows suggest that between 81 and 84 movements would exit and enter the site from Church Road to the south in the AM and PM peaks. This would be on average just over one additional movement a minute over the peak hour. This is not considered to represent a significant increase in movements on Church Road and on this basis it is not considered that the development would have an unacceptable or severe impact on highway safety beyond the current situation, or that warrants objection on the basis of road width or visibility in accordance with policy DM21. I also note that policy H1(8) under criterion 12 only requires road widening outside site H1(6) further south on Church Road (which will be carried out in connection with permission on that site).

6.60 In connection with the Planning Committee deferral of the outline application the applicant has investigated further widening along Church Road where it could be widened on the west side to 5.5m for approximately a 210m section to the south of 'Little Squerryes'. This would not involve any loss of ancient woodland but the widening would result in the cutting back and potential loss of hedging/trees. Based on just over one additional movement a minute over the peak hour from the development, it is considered that any benefits of road widening do not outweigh the visual harm to Church Road that would result.

6.61 The applicant is proposing some measures to improve Church Road including extending the 30mph speed limit by approximately 500m south of its current location by the Church, and also by introducing build-outs with a give way feature on a bend just to the south of the site where there is limited visibility. A safety audit submitted by the applicant, and KCC Highways has confirmed that this is acceptable and KCC state that this measure supports the extension of the 30mph speed limit. These works, which aid in highway safety where visibility is more limited, can be secured by condition. It is not considered that parking associated with the Church will result in any unacceptable highway safety conditions on the basis that the road is being widened outside the site, the development will provide potential places to park within it, and no objections are raised by KCC Highways.

Local Junctions

6.62 The applicant has assessed the impact upon the junction of Church Road/Deringwood Drive, Deringwood Drive/Willington Street, and Spot Lane/A20.

6.63 Improvements to Church Rd/Deringwood Drive are proposed essentially widening both roads near the junction and replacing some of the parking bays, which has been deemed sufficient to accommodate the development traffic by KCC. This would result in the loss of some grassed verge and

most likely 2/3 trees but this would not be unduly harmful to the local area and is necessary to accommodate the allocated site.

- 6.64 For the Deringwood Drive/Willington Street junction, the applicant's evidence suggests this junction will be beyond its design capacity imminently when taking into account general traffic growth and traffic from developments within the Local Plan/with planning permission. The main issue is considered to be the difficulty for traffic leaving Deringwood Drive and so the queuing on this arm as a result of traffic on Willington Street rather than along Willington Street. It is of note that no issues for this junction have been identified, or any mitigation required by KCC Highways for any other developments to date, despite them impacting on this junction.
- 6.65 The applicant is proposing signalisation of the junction that would better manage traffic, provide safer opportunities for Deringwood Drive and development traffic to exit, and improve pedestrian crossing facilities. Whilst this would not bring the Deringwood Drive arm within design capacity it would reduce the potential maximum queuing length on Deringwood Drive from 288 vehicles in the AM peak hour (which has the most traffic) to a maximum of 39 vehicles. On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that provides mitigation for other committed development.
- 6.66 The junction improvement has passed an independent Safety Audit and KCC Highways have confirmed they are satisfied the recommendations of the Audit have been addressed.
- 6.67 However, KCC Highways consider that this junction improvement would introduce a new delay on Willington Street. They consider this would be result in a severe traffic impact but importantly have not identified any highway safety issues. Willington Street South and Deringwood Drive arms of the proposed junction would be up to 14% over theoretical capacity if all pedestrian crossings were operated but the applicant considers that queuing of this nature could already be expected to occur along the Willington Street corridor due to interactions with the existing signalised junctions further to the north. This assertion is supported by capacity modelling of the Ashford Road and Madginford Road junctions that shows how each would individually exhibit extensive queues along Willington Street during the peak periods. The applicant has also forecasted how the sequence of traffic signalised junctions (i.e. two existing and one proposed) would operate in unison. The findings indicate that the proposed new traffic signals would not worsen delays across this part of the network. The contention being made is essentially that an additional set of traffic signals on a busy route will not result in a worsening of traffic conditions.
- 6.68 KCC Highways have reviewed this evidence and consider that because such modelling is highly sensitive to changes in prevailing conditions, they regard such sensitivities to limit the confidence that can be attached to the applicants' conclusion. They also consider the extent to which the junctions are predicted to operate over capacity is also likely to have distorted the modelling outputs, such that there is less certainty that mitigation of impact

can be achieved at this location. So basically they do not agree with the applicant's conclusions.

- 6.69 Whilst there may be some sensitivity in the modelling, as there is for any modelling, KCC Highways have not provided any modelling or analysis to counter that put forward by the applicant. Nor do I consider that up to 14% over theoretical capacity on two arms of the junction results in a severe impact and most importantly KCC Highways have not raised any highway safety issues if any increased delays did occur on Willington Street.
- 6.70 Having driven along Willington Street in the AM peak, I noted that extensive queuing does occur, and I consider that in line with the applicant's analysis, new traffic signals are unlikely to result in any significant change in traffic conditions on Willington Street or to a degree that would result in a severe impact above the current conditions or result in dangerous driving conditions. The proposed signals would serve to significantly lower predicted queuing on Deringwood Drive and would better manage traffic, provide safer opportunities for Deringwood Drive traffic to exit, and improve pedestrian crossing facilities. On this basis it is considered to be a suitable intervention to provide a proportionate mitigation of the impact of the development and can be secured by condition.
- 6.71 For the Spot Lane/A20 junction, the Spot Lane arm would be just over design capacity with general traffic growth, traffic from developments within the Local Plan/with planning permission, and the application traffic. Improvements to this junction are proposed to widen the Spot Lane arm of the junction utilising an area of the verge that is part of the public highway which increases carriageway capacity to enable two cars to queue side-by-side whilst also retaining the existing footway. The modelling shows that the improvement would mitigate the impact of the development and not make conditions any worse than they would be otherwise, and it has passed the Safety Audit. KCC Highways consider that the proposed mitigation is acceptable and this can be secured by condition.

M20 Junction 7

- 6.72 As background, under the recent applications at sites H1(7) and H1(10), financial contributions to cover the total costs of upgrade works to Junction 7 of the M20 (including scheme design and contract costs) were decided to be apportioned between those two sites and the application site H1(8) (3 sites in total). This totalled £4.66m and the applicant (Bellway Homes), along with completing a legal agreement for financial contributions for site H1(7), also completed a legal agreement for monies in connection with H1(8). Therefore a proportionate financial contribution towards Junction 7 has already been secured for this site by the applicant. These legal agreements and the triggers for payment were agreed with KCC (who would provide the works) and on this basis Highways England are raising no objections.

Off-Site Infrastructure

6.73 Policy H1(8) states:

11. Contributions will be provided towards the expansion of an existing primary school within south east Maidstone to mitigate the impact of the development on primary school infrastructure.

6.74 The adopted CIL is charged on new floor space to help deliver infrastructure to support development. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development which is in accordance with policy DM20.

6.75 An exception is made under the Council's Regulation 123 CIL list (list of infrastructure types and/or projects which the Council intends will be, or may be, wholly or partly funded through the CIL), for education. The Reg. 123 List specifically allows for section 106 monies to be collected towards "expansion of an existing school within southeast Maidstone to accommodate site H1(8)" as identified in the Infrastructure Delivery Plan. This is identified as the 'Greenfields Community Primary School' and KCC have requested £1,096,089 towards the expansion of school to mitigate the impact of the development. This contribution would go towards planned expansion of the school to provide 4 additional classrooms and has been justified by KCC, and as it is specifically identified under the Reg. 123 list, it is considered necessary, directly related to the development, and reasonable and in this specific case appropriate to be collected via a section 106 agreement which is being progressed. This is in accordance with criterion 12 of policy H1(8).

Other Matters

Affordable Housing

6.76 Affordable Housing is proposed at 30% (126 units) with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP21 as is the tenure split and this will be secured under the legal agreement. The accommodation provides a mix of house sizes including 1 and 2 bed flats, 2, 3, and 4 bed houses and the amounts proposed are broadly in line with the current need. A monitoring fee for the s106 of £3,750 will also be secured.

Air Quality

6.77 Policy H1(8) requires:

9. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

6.78 An air quality assessment has been submitted which concludes that small increases in NO₂ concentrations are expected as a result of the proposed development and overall, these increases are expected to have a negligible

impact on air quality and not cause any exceedances of the relevant Air Quality Standards. The site is located outside any Air Quality Management Areas and it concludes that new residents would not be subjected to poor air quality. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a suggested mitigation value for proportionate mitigations to be integrated into the development. A number of potential mitigation measures are outlined and the specific measures can be secured by condition which can include measures such as EV charging points for houses with on-plot parking as this is a requirement under policy DM23 of the Local Plan.

Drainage

- 6.79 The Environment Agency's flood risk from surface water map shows a narrow overland flow path running from north to south through the centre of the site. Some surface water flooding could occur along this natural flow path in extreme rainfall events and the applicant is proposing to realign this so it runs through the central open space and open space further north. This will ensure it does not affect proposed houses and water is not displaced off-site so it would continue to flow across the site unhindered.
- 6.80 For surface water from the development, permeable paving would be used for private driveways so water would drain into the ground as it currently does. For the rest of the site, water would be collected in storage tanks beneath a series of swales/attenuation basins with which would then drain to deep bore soakaways at a level to avoid any potential issues with flooding of fissures/gulls. KCC LLFA has raised no objections to the principles of the SUDs scheme to the fine details being provided by condition. They also consider that more swales could be used which can be dealt with by condition.
- 6.81 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage which ensures compliance with criterion 15 of policy H1(8).

Ecology

- 6.82 The site is mainly an arable field with grassland and scrub around its margins and hedging along the Church Road frontage and edges. Features of ecological importance within the site include hedgerows and an area of semi-improved grassland in the north-east corner, which are all on the outside edges of the site. In terms of protected species, a low population of breeding slow worms has been recorded and there is suitable habitat for foraging and roosting bats, badgers, hedgehogs and breeding birds which is around the edges of the site. Apart from where required for access, the hedges would remain and the habitats on the outskirts of the site would largely not be developed. Various mitigation measures and enhancements are proposed to protect habitat and species and create/enhance habitat, which can be secured by condition. Notably open space in the northeast corner of the site would be managed to benefit ecology and in particular

reptiles and a permanently wet pond is proposed at the north end of the central green. KCC Ecology are satisfied that appropriate mitigation has been recommended to minimise or avoid impacts on these habitats and species and recommend conditions to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

6.83 There would be well over a 15m buffer with native tree and shrub planting to the Ancient Woodland in the southeast corner which can be secured by condition.

6.84 Other enhancements include new native planting, wildflower grassland, permeability for hedgehogs, bat and bird boxes, and habitat piles. This is considered a proportionate response based on the low ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPG.

Residential Amenity

6.85 Houses and gardens to the west at 'The Beams' and Chapman Avenue are at a lower level than the site so the impact upon privacy and outlook can be more pronounced. However buildings would be at their closest 16m from the end of gardens and at least 30m from any houses and in most cases further. At these distances and even taking into account that some of the 3 storey buildings would be along the west edge of the site, there would not be a harmful impact upon privacy, light or outlook. Properties to the south off Woolley Road would be at least 24m away and properties to the north off Longham Copse would be at least 38m away and at these distances there would be no harmful impacts upon privacy, light or outlook. 'Squerryes Oast' to the east would be at least 70m away; 'Rectory Cottage' to the southeast at least 34m away; and 'Church House' and 'The Coach House' at least 42m away to the northeast. At these distances there would be no harmful impacts upon privacy, light or outlook. Any noise and disturbance from the normal occupation of a housing development is not objectionable.

Public Art

6.86 In line with the Council's guidance a scheme of this size should provide an element of public art and this would help to create a sense of place. This will be secured by way of condition.

Environmental Impact Assessment

6.87 The applicant submitted a separate Screening Opinion for housing development last year to ask whether the LPA considered an EIA was required. It was concluded that the development would not be likely to have significant effects upon the environment sufficient to warrant an EIA. A request to the Secretary of State (SoS) was also made by a third party to seek his opinion, and the SoS also concluded the development was not 'EIA development'.

Representations

- 6.88 Matters raised but not considered in the assessment above relate to land stability, construction disturbance and may cause damage to properties, noise and pollution from traffic lights, flooding of local roads, damage to roads, house prices, loss of a view, land ownership, and uploading of documents to the website.
- 6.89 Representations refer to the underlying geology of the area/land stability and potential damage to neighbouring properties with regard to the built development, and flooding from the surface water drainage scheme. The applicant has carried out ground investigations and is aware of the underlying geology including the potential for fissures or gulls to open up. Due to the presence of these ground conditions they outline that a piled solution is assumed for the entirety of the site but they intend to carry out testing to determine if a piled solution is required throughout, or whether traditional foundation system could be utilised in certain areas. The applicant has also investigated land stability through borehole and penetration tests along the perimeters where the slope/cliff faces are present. They conclude that development is set sufficiently back from the edges of the site and any deep bore soakaways near to the slope should discharge at a depth lower than the base of the slopes. I consider this level of investigation is a sufficient to explain how the local ground conditions would be dealt with in the build process in line with paragraph 178(a) of the NPPF and at the Building Regulations stage the developer would need to provide a structural engineer's report to demonstrate any foundations designs are sound. In terms of the surface water drainage scheme, KCC LLFA are satisfied the fine details can be detail with by condition.
- 6.90 Matters relating to construction refer to noise, disturbance, and dust which are all matters that would be dealt with under environmental protection legislation and are not planning matters. Any impacts upon neighbouring properties or buildings from construction is not a planning consideration but a private matter between the developer and third parties. I do not consider the installation of traffic lights on Willington Street would have any significant impacts upon noise or air quality to nearby properties above the current situation where vehicles have to wait at present. Local roads flood occasionally so vehicles may have to find other routes but this is not frequent event that renders the development unacceptable on highway grounds. Damage to roads, any impact upon house prices, and the loss of a view are not material planning considerations. Re-consultation and notification has been carried out on all significant amended or additional information. Some additional documents have been uploaded to the website such as clarifications from the applicant and some design changes but it is not considered that the information necessitated formal re-consultation or that any parties have been prejudiced through not receiving a notification. The same land ownership issue was raised as under the outline application because the applicant submitted the incorrect red outline plan but this has been amended in line with the outline application.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.02 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion. The application proposes 421 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.
- 7.03 The allocation of the site for housing would inevitably have an impact upon the setting of listed buildings to the north but this would be minimised and the impact would be 'less than substantial'. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated social and economic benefits, outweigh this less than substantial harm.
- 7.04 Kent Highways are raising objections based on unacceptably severe traffic impact on the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission.
- 7.05 Historic England are raising objections as no dedicated church car park is proposed so there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report the Local Planning Authority does not agree the development would threaten the Church's economic viability.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and complies with policy H1(8) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

8.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £1,096,089 towards the expansion of Greenfields Community Primary School.
2. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
3. £1,422 Travel Plan monitoring fee.
4. £3,750 Section 106 monitoring fee.

Conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the latest revisions of the plans listed on the Drawing Issue Sheet dated 16/04/20.

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

Time Limit

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

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

Compliance

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. 16206 P101 RevT and 16206/SK55D and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. 16206 P105 and maintained thereafter.

Reason: To ensure a high-quality development.

5. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development to which phase they relate, whichever is the sooner; and

seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory setting to the development.

6. Excluding the area in the southeast corner of the site adjacent to ancient woodland, the areas of open space as shown on pages 58 and 59 of the Design & Access Statement shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

Pre-Commencement

8. No development shall take place until a Phasing Plan for the development including open space areas has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that affordable housing, open space areas, and connections are provided in time to cater for the needs and impacts arising out of the development and to assist with the determination of conditions.

9. No development shall take place until, a review and (if required) update of the mitigation measures detailed within chapter 6 of the Ecological Appraisal (Aspect Ecology; March 2019) which shall be informed by updated ecological survey(s), have been submitted to and approved in writing by the local planning authority. It must include the following information:

- a) Updated ecological appraisal
- b) Results of recommended specific species surveys (where required)
- c) Letter detailing why the mitigation detailed within the Ecological Appraisal is still valid

OR

- d) Updated mitigation strategy – including the following:
- Over view of the ecological mitigation required
 - Detailed methodology to implement the mitigation
 - Timing of the proposed works
 - Details of who will be carrying out the works.
 - Maps clearly showing the mitigation areas.

The mitigation must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

10. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Sustainable Drainage Assessment (dated January 2020 by Herrington) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. It shall also explore the use of more swales within the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

11. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

12. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of human health.

13. No development in any phase shall take place until the applicant has secured the implementation of the following details for that phase:

- a) 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
- b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

14. No development in any phase shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

Pre-Slab Level

15. No development above slab level shall take place until specific details of the landscaping proposals, which shall follow the principles shown on the Landscape Strategy Plan (drawing no. 6703 LSP ASP5 RevK), have been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide the following:

- a) Strengthening and replacement native hedge planting along the site frontage with Church Road.
- b) Structural native tree and shrub planting along the site frontage with Church Road.
- c) Retention of trees along the western boundary and new native tree and shrub planting.
- d) Retention of trees along the southern boundary and new native tree and shrub planting.
- e) Retention of trees along the boundaries with the property 'Squerrys Oast'
- f) Native woodland and shrub planting to create at least a 30m buffer from the Ancient Woodland in the south east corner
- g) Orchard planting to the south of St Nicholas Church.
- h) Native hedge planting within the development.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

16. No development above slab level shall take place in any phase until full details of the ecological enhancements outlined in the Ecological Appraisal and their delivery have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out

in accordance with the approved details and measures shall include the following:

- a) Wildflower grassland
- b) Measures to allow hedgehogs to move through the development and domes.
- c) Bat and bird boxes.
- d) Habitat piles.

Reason: In the interest of biodiversity protection and enhancement.

17. No development above slab level shall take place in any phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) for that phase have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall follow the 'Materials Distribution Diagram' (16206/SK55D) and include the following:

- a) Multi stock facing bricks
- b) Clay hanging tiles
- c) Clay roof tiles
- d) Slate roof tiles
- e) Ragstone on buildings
- f) Ragstone walling

Reason: To ensure a high-quality appearance.

18. No development above slab level shall take place in any phase until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Soldier courses
- b) Bricked arches above windows
- c) Bullnose hanging tile detailing.
- d) Roof overhangs

Reason: To ensure a high-quality appearance.

19. No development above slab level shall take place until a sample panel of the ragstone for the walling and buildings, including mortar mix details, has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality appearance.

20. No development above slab level shall take place until the specific air quality mitigation measures, which shall include the type and location of electric vehicle charging points, have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

21. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

22. No development above slab level for any phase shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase.

Reason: In the interest of visual amenity.

23. No development above slab level shall take place until details of the play equipment, bins, seating, surfacing and boundary treatments for the LAP, LEAP and open space areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

24. No development above slab level shall take place until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

Pre-Occupation

25. The development shall not be occupied until the following off-site highways works have been provided in full:
- a) Improvements to the Church Road/Deringwood Drive junction as shown on drawing no. 34.1 or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
 - b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 14915-H-01 RevP4 at Appendix C of the 'DHA Transport Technical Note – March 2020' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
 - c) Road widening and new pavement provision on Church Road as shown on drawing nos. 34.1 and 34.2;
 - d) The give way/build out feature on Church Road as shown on drawing no. 41.1 (Proposed Traffic Calming Arrangement);
 - e) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the Local Plan Authority (in consultation with the Highways Authority); and
 - f) Improvements to the A20 Ashford Road/Spot Lane/Roseacre Lane junction as shown on drawing no. 14915-H-02 RevP1 at Appendix J of the 'DHA Transport Technical Note – March 2020' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

Reason: In the interest of highway safety.

26. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

27. The development shall not be occupied until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

28. The development shall not be occupied until details of the pedestrian and cycle link to and across the area of Council owned land to the south of the site providing a link to Woolley Road and the timing of its delivery have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate connectivity in the interests of sustainability and highway safety.

29. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

30. The development shall not be occupied until details of the metal railings, picket fencing, and any boundary treatments for open space areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a high-quality development'

31. The visibility splays shown on drawing no. 06 RevF (Proposed Access Arrangement) shall be kept free of obstruction above a height of 1 metre.

Reason: In the interests of highway safety.

32. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been

submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of human health.

Informative:

The applicant is encouraged to pursue the formal diversion of public right of way KM86 to follow the route currently walked on the ground, which will be formalised as part of this development, and to allow for cycle use along any diverted route as part of the process.