

APPLICATION: MA/12/1949 Date: 26 October 2012 Received: 29 October 2012

APPLICANT: Mr G Norton, Wealden Ltd

LOCATION: KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT, TN27 9TD

PARISH: Headcorn

PROPOSAL: Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for a maximum of 29 dwellings inclusive of 11 affordable dwellings) inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane as shown on drawing nos. PL-GH-001, PL-GH-002, PL-GH-10-13 (consecutive), drawing nos PL-GH-22-42 (consecutive) and drawing no OLH-004, Design and Access Statement, Planning Statement, Ecological Mitigation Strategy, Tree Assessment, Bat Emergence Survey, Flood Risk Assessment and Transport Statement received 26/10/2012, as amended by e-mail dated 30 November 2012 confirming that only landscaping is a reserved matter and further amended by letter dated 9 January 2013 drainage calculations and drawing no. 1129-1001-ENG-01revP2 received 11/01/2013, Amended Ecological Survey dated 30/01/2013 received 04/02/2013 and as further amended by drawing nos. PL-GH-ALPrevB, PL-GH-15A, 16A, 17A, 18A, 19A, 20A and 21A received 28/02/2013 and letter dated 14/06/2013 received 17/06/2013 and materials schedule GN/12/2013.

AGENDA DATE: 27th June 2013

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Headcorn Parish Council and Committee consideration was requested
- It is a departure from the Development Plan

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV34, ENV49, T13, T23, CF1
Government Policy: National Planning Policy Framework 2012

2. HISTORY

2.1 Relevant planning history on the site of Chance Holding and Kent Cottage is as follows:

Kent Cottage

MA/13.0267: An application for discharge of conditions relating to MA/12/1068 (Demolition of Kent Cottage and associated outbuildings and erection of two detached dwellings with integral garages and parking spaces) - being details of condition 10 – landscaping: APPROVED 23/05/2013

MA/12/1068: Demolition of Kent Cottage and associated outbuildings and erection of two detached dwellings with integral garages and parking spaces: APPROVED 22/11/2012

MA/78/0671: One bungalow: REFUSED 22/08/1976 (located to rear of Kent Cottage)

Chance Holding

MA/94/1735: Outline application for the erection of a two bedroom bungalow: REFUSED 08/02/1995: APPEAL DISMISSED 01/07/1996

MA/85/0272: Outline application for dwelling: REFUSED 29/04/1995

3. CONSULTATIONS

3.1 **Headcorn Parish Council:** Wish to see the application refused

'Please be advised that my Council would wish to see this application refused as this development is on a green field site and is in the open country, this is contrary to Maidstone Borough Council saved policies. We feel that this application is premature as the core strategy has not yet been adopted along with the villages emerging neighbourhood plan which is currently under consultation.

It was noted however that should this application be put forward for approval, we would wish for the following to be considered in a S106.

- The construction of a footpath along Oak Lane.

- 8 affordable homes.
- Financial contribution towards both education and the library.
- Traffic calming in consultation with Kent Highways to include a build out for a pedestrian use in Station Road and a build out on the A274 at the junction of Oak Lane to help visibility for vehicles.

We trust that this will automatically go to the planning committee as it is outside the village envelope.'

3.2 **Environment Agency:** Originally objected and commented as follows

We **object** to the proposal at this location and we recommend planning permission be refused.

Reason:

The site is approximately 1.6 hectares within Flood Zone 1. As described in Table 1, of the Technical Guidance to the National Planning Policy Framework, a drainage strategy has been submitted as part of a Flood Risk Assessment (FRA) ref 1129-1001 dated April 2012 which confirms the site is not at risk to fluvial flooding. However, the area is very flat and is located on relatively impermeable soils. It relies on a local network of drainage ditches to reduce the risk of surface water flooding and overland flow.

While we believe the site can be made suitable for residential development, the risk of surface water flooding has not been adequately assessed and the proposed drainage strategy could place the proposed and existing adjacent dwellings at risk of flooding from surface runoff.

We object to the use of pumped systems as they are not sustainable means of drainage and increase the risk of flooding in the event of pump failure. Experience shows that pump power failures are most likely to occur during heavy rainfall events when they are most needed. We believe it is also possible to design a more efficient, gravity fed sustainable drainage system at this site.

We also note the proposal to culvert the existing ditch along the southern boundary of the site. This ditch also facilitates highways drainage from Grigg Lane. We do not oppose installation of a short, appropriately sized culvert to facilitate permanent site access from Grigg Lane but for reasons of flood risk and nature conservation we object to the proposed culvert in front of plots 27 to 30.

Overcoming our objection:

We are not opposed to the proposed discharge rate of 3.3litres per second but the applicant may have under-estimated the volume of storage required to facilitate this rate by as much as 20% for the 60minute storm. The drainage calculations in Appendix C of the FRA suggest rainfall figures from the FSR database have been used. We recommend rainfall figures from the Flood Estimation Handbook (FEH) are used as they are derived from a wider dataset than those from FSR and therefore likely to give a more accurate estimate of rainfall.

The site is currently bounded by a network of ditches which could form part of a site wide drainage strategy, using appropriate sustainable drainage methods (SuDS). Unfortunately, only eight of the proposed dwellings (plots 3-10) are shown to be drained to an adjacent watercourse using SuDS. DWG 1129-1001-ENG-01 from Appendix C of the FRA indicates the remaining dwellings will drain by gravity to a pump to the rear of plots 29 and 30, from where drainage will need to be pumped back across the site to discharge to the watercourse along the western boundary of the development.

Culverts are prone to blockage and more difficult to maintain than open channels and as the proposed culvert will be within the curtilage of these dwellings, responsibility of the culvert will rest with the occupiers. Consideration should also be given to reinstatement of the watercourse, or at least replacement with a larger diameter culvert, of the existing 300mm diameter culvert in front of Plots 1 and 2. A 300mm diameter culvert is likely to be significantly undersized at this location and would be very difficult to maintain.

We therefore recommend the applicant submits an alternative drainage network using sustainable drainage methods, which is then used to inform the layout of the proposed development. We would then be pleased to comment further on the proposal.

For information

Any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Agency or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council)), who should also be consulted on this proposal.

For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent. Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk.

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) have been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk.

In summary, paragraphs 5.19 to 5.24 of the NPPF Technical Practice Guide recommend SuDS features are considered at the early stages of planning and that sufficient space is made available for SuDS when considering density and layout of development. In this

instance, the proposal does not make sufficient use of the existing ditch network or the use of new ponds or swales for open storage of surface runoff.

Biodiversity

We would also like to see wildlife corridors throughout the site, i.e. as many connected hedges / trees as possible, so that wildlife can move through the site in safety. All species planted should be non-invasive and biosecurity measures should be in place to prevent any spreading of invasive plants that may already be on the site. Please liaise with Natural England regarding Great Crested Newts and any other listed species.'

As a result of the objection further discussion between the applicants and the Environment Agency took place and a revised drainage strategy and plan were agreed and submitted. The following additional comments were then received from the Environment Agency.

'Thank you for consulting us on the additional information provided on DWG 1129-1001-ENG-01 rev.P2, we are pleased to **remove our objection** based on the revised details shown on this drawing.

Our preferred option would be for the layout to be designed so that it is not necessary to culvert watercourses. However, the proposal to culvert the existing ditch between plots 26 to 29 and Grigg Lane will be a matter for the Lead Local Flood Authority (Kent County Council) to consider. For ease of maintenance and to minimise the risk of blockage, we normally recommend a minimum diameter of 600mm for culverts.

If the opportunity exists, we would also recommend the existing 300mm diameter pipe in front of Plots 1 and 2 be replaced with a 600mm diameter pipe.

If the local authority is minded to consider the application favourably, we recommend the following be included as a condition of planning.

Condition: Development shall not begin until a detailed design for a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage design should include details of how the scheme shall be maintained and managed after completion.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

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

Reason: To prevent flooding both on and off site by ensuring the satisfactory storage and disposal of surface water.

For information, if further proposals are made to develop adjacent sites, we

recommend a site wide drainage strategy be developed which incorporates all existing ditches, to inform the layout of the development and maximise the potential options for a sustainable drainage scheme.'

3.3 **Upper Medway Internal Drainage Board:**

Note that drainage details are currently being developed/agreed with the Environment Agency. They also note that the proposals include plans to culvert an existing roadside ditch. They advise that this will require Kent County Council's formal consent.

3.4 **Southern Water:**

Have advised that there is insufficient capacity in the local area to provide foul water drainage for the development. As a result additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. They recommend that the applicant is advised to enter into a formal agreement with Southern Water to provide the necessary infrastructure to service the development. They note that SUDS drainage is proposed and state that these features will not be adopted and should be subject to long term management and maintenance plans. They recommend that if permission is granted a condition is imposed on any permission requiring details of both foul and surface water drainage to be submitted and agreed.

3.5 **KCC Ecology:** Have commented as follows:-

3.5.1 'We are generally satisfied with all the surveys which have been carried out however we require additional information to be submitted prior to determination.

Bats

Four trees on site have been identified as having medium to high potential of being suitable for roosting bats. As a result of reviewing the landscape plan it appears that the trees are to be retained on site. Please confirm prior to determination that our assessment is correct and the trees are to be incorporated in to the proposed development site.

If the trees are to be lost as a result of the development there will be a need for emergence surveys to be carried out prior to determination of the planning application. The emergence surveys and any necessary mitigation strategy must be submitted prior to determination of the planning application.

Lighting can have a negative impact on commuting and foraging bats. The site is used by for foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Other Surveys

The surveys have identified that reptiles and great crested newts present within the site and there is potential for dormice and breeding birds to be present.

We are satisfied that the mitigation proposed within the mitigation strategy will minimise the impact the proposed development will have on the protected species.

We recommend that the implementation of the mitigation strategy is a condition of planning permission.

Management and monitoring Plan

The mitigation strategy has provided information about the proposed management for the site, however it has not provided sufficient detail. As a condition of planning permission we recommend a detailed management and monitoring plan is submitted for comment.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". We are aware that the proposed development has created suitable reptile/GCN habitat – however this is being created as mitigation and as such it should not be classed as an enhancements.

We recommend that ecological enhancements are also incorporated in to the site – recommendations include the inclusion of bat bricks or tiles within the new buildings and the erection of bat and bird boxes within the habitat area of the site.'

- 3.5.2 It has been confirmed that the existing trees shown to have potential value for bats will be retained.

3.6 Kent Highway Services

'The application proposes 29 dwellings comprising of 3 x 5 bedroom, 11 x 4 bedroom, 9 x 3 bedroom and 6 x 2 bedroom, served from a new access onto Grigg Lane at Headcorn. A 2m wide footway along the site frontage is to be provided. A 4.8m wide access road is proposed, widening to 5.5m at bends to allow for the manoeuvring of large vehicles. Tracking diagrams are required and also a plan indicating the extent of the access roads to be considered for adoption. Details are also required of the forward visibility splays at the bends in the access road and visibility splays from the junctions on the access road.

Visibility splays from the access onto Grigg Lane are acceptable. Pedestrian access through the north western side of the application site to link with the existing highway should be investigated. A pedestrian access between the access road outside Plot 3 and the access road adjacent to Plot 19 is required.

With regards to parking the Interim Guidance Note 3 recommends a minimum of 2 independently accessible spaces for each house of 3 or more bedrooms and 1.5 spaces for each 2 bedroom house. This would equate to 55 spaces. Additionally 0.2 spaces per dwelling is recommended for visitors; which in this case would amount to 6 spaces. 46 parking spaces are proposed in addition to 22 garages. The garages are a good size; single garages are 6.5m x 3.4m and double garages are 6.5m x 6.5m. The access road

is 4.8m wide which is sufficient width for a HGV to pass a car therefore parking along the access road would not result in obstruction subject to the turning areas being clear and clarification on the tracking diagrams. Most on street parking is likely to occur from the 2 and 3 bedroom properties (plots 15 to 29) at the south eastern side of the site as these have 1 space each, most have no garage and plots 20 to 29 have their parking spaces to the rear of the houses. This may lead to parking on Grigg Lane and along the access road between Grigg Lane and the first bend. I would recommend that additional unallocated on street parking spaces be provided on the access road in the area currently shown as verge. Additionally spaces could be provided fronting plots 26 to 29 accessed from Grigg Lane.

Traffic surveys have been completed and indicate that existing traffic flows on Grigg Lane and Oak Lane are low. Speed surveys recorded 85%ile speeds of 33.5mph northbound and 36.5mph southbound on Grigg Lane in the vicinity of the proposed site access. Speeds on Oak Lane are low with average speeds of 27/28mph. The crash record has been examined that this indicates that there has been no reported injury crashes on Grigg Lane or Oak Lane in the latest 10 year period.

The development is likely to generate 22/23 two way traffic movements in the peak hours and it is considered that this can be adequately accommodated on the existing highway.

A plan showing a footway scheme along Oak Lane has been included with the application. The applicant has offered to part fund this scheme however the footway link is necessary to improve accessibility and safety for pedestrians from the development site wishing to walk to the school and village facilities therefore it is considered that this be provided by the applicant by means of a Section 278 Agreement. Additionally the development will increase the number of pedestrian movements to the rail station and where there is no formal crossing facility on the busy A274 Wheeler Street. The provision of a kerb build out on Wheeler Street would increase safety for those pedestrians crossing Wheeler Street to access the station. This too should be provided by means of a S278 agreement.'

3.7 **KCC Public Rights of Way Officer:** Originally commented that the line of the PROW was not shown. This has subsequently been addressed and its revised route through the site now indicated.

3.8 **KCC Mouchel:** Have requested the following contributions:

- **Libraries: £3472.13**, to be used for the provision of additional bookstock and services at Headcorn Library and other libraries serving the development.
- **Community Learning: £775.14**, to be used for new and expanded facilities through dedicated adult education centres and through outreach community learning facilities local to the development.

- **Adult Social Services £430.51**, to be used for the provision of assistive technology (Telecare) and building community/rural capacity through enhancement of local community facilities to ensure full DDA access.

- No contribution is sought for youth and community facilities.

- In respect of education no secondary school contribution is sought.

- However in respect of primary education a contribution of £2360.06 per applicable house towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development. A contribution of £1924.09 per applicable house is also sought towards acquisition of additional land to accommodate expansion of the school.

3.9 **West Kent PCT:** Have requested a contribution of £23,205 towards the provision of Primary Health Care facilities and have advised that the monies would be spent at Headcorn Surgery and two existing surgeries in Sutton Valence.

3.9 **Headcorn Aerodrome:**

The applicant and future residents should be advised that the application site is located close to the aerodrome, within its safeguarding area, and that noise associated with aviation activity will be present.

4. **REPRESENTATIONS**

4.1 **Ten** representations have been received. Objections are summarised as follows:-

- The site is in the countryside outside the village envelope.
- The development is premature and should not be considered until the Core Strategy and neighbourhood plan have progressed further.
- Infrastructure around the development is not acceptable. The development will add to the problems that will be caused by the adjacent Golding Homes development.
- There are existing drainage problems both surface and foul water that this development will exacerbate.
- Grigg Lane is unsuitable for further development, access should be made from Lenham Road
- Impact on wildlife.
- Where is the Public Right of Way being moved to?
- A footpath should be provided on Oak Lane.
- Insufficient parking.
- Loss of property value.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site amounts to approximately 1.6ha and is located on the north side of Grigg Lane on the north eastern side of Headcorn Village. Immediately to the south west of the site boundary is the outer limit of the village confines as defined on the Maidstone Borough-wide Local Plan 2000 Proposals Map. The application site is therefore on one of the exit roads from the village and in Development Plan policy terms, located entirely within the open countryside and the Low Weald Special Landscape Area. Policies ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000 refer.
- 5.1.2 To the south west of the site is a chalet bungalow 'Glencoe' which is within the village envelope. Opposite the site and slightly staggered to the south is the entrance to a residential estate known as Hydes Orchard comprised of two-storey modern dwellings. Immediately to the east of the site is a substantially completed development of 25 two-storey terraced dwellings, permitted as a 'rural exception' development. There is also planning permission for a new doctors' surgery and childrens day nursery on that site. Work has now commenced on constructing the Doctors' surgery. The development is known as The Hardwicks.
- 5.1.3 The site is roughly rectangular in shape and comprises Kent Cottage fronting and accessed from Grigg Lane, which is a detached bungalow with an open area and a pond with a number of existing protected trees (TPO no.3 of 1978) immediately to the north of it. Immediately to the east of Kent Cottage runs Public Footpath KH606 that runs in a north easterly direction through the site. To the east of the footpath lies Chance Holding also accessed off Grigg Lane which consists of a number of wooden single storey buildings. The buildings are largely screened from Grigg Lane by existing hedgerows and some trees, although glimpses of the buildings can be obtained. To the north of Chance Holding is an open field crossed by the PROW.
- 5.1.4 The land in the area is relatively level. There are very limited views of the site and the development at The Hardwicks through trees and existing hedgerows from Lenham Road further to the north east. In the winter months these views may be greater.

5.2 Proposal

- 5.2.1 The application is in outline with all matters except for landscaping to be determined. It seeks consent for a maximum of 29 dwellings inclusive of 11 affordable units which has been increased from the 8 units originally proposed. This amounts to a net increase of 27 units when the position in relation to Kent

Cottage (see paragraph 5.2.2 below) is taken into account. Chance Holding is not occupied as a dwelling.

- 5.2.2 Two of the plots are located on the site of the existing Kent Cottage and have a full permission under application MA/12/1068. It is understood that work is due to commence on the construction of these in the near future, all precedent conditions having been discharged. The details of the dwellings on this application relating to those two plots are identical.
- 5.2.3 The site would be served by a centrally located access road off Grigg Lane. This has vision splays to Grigg Lane of 59m x 2.4m x 59m. The road varies from 5.5m to 4.8m in width and has been designed with speed attenuation curves to reduce traffic speeds. The road would cross the site and terminate at two points on the northern and eastern site boundaries in the site's NE corner.
- 5.2.4 To the east of the access road is a terrace of 8 two-storey dwellings fronting Grigg Lane and returning into the site along the access road. To the rear of these units would be a parking court (18 spaces) accessed via a 4m wide roadway and the site of a foul water pumping station, the parking court would be overlooked by a further terrace of four dwellings.
- 5.2.5 North of the access to the parking court is a terrace of three two-storey dwellings fronting the access road which then turns east and northwards. To the north of the bend are two detached units (2-storey) facing south towards Grigg Lane, and on the eastern side of the road a pair of semi-detached units and a detached unit front onto the central access (all 2-storey). The northern part of the site comprises 5 two-storey detached units to the west of the access road either side of (two to the south and three to the north) of a shared access drive. The final two semi-detached units (2-storey) are located in the NE corner fronting onto a proposed LAP.
- 5.2.6 A total of 46 parking spaces in addition to 25 garages are proposed to serve the development.
- 5.2.7 The western part of the site behind the existing dwelling Kent Cottage and the two units that will shortly replace it, is retained as open land and both an existing pond will be retained and a new pond created to assist the proposed SuDS drainage scheme which will be linked to an existing ditch and swale running along the eastern side of the area.. The diverted PROW will run along the eastern side of this area. The dwellings on plots 3 and 6 facing the open area and the PROW have windows to habitable rooms at ground and first floor level to provide surveillance.

- 5.2.8 Ecological surveys and a Mitigation strategy have been submitted as part of the application. Connectivity along the site's eastern northern and western boundaries is maintained and will supplement the measures taken on the adjacent development. Enhancement of the retained open area is also proposed and landscaping within the site itself is proposed. The ecological mitigation assessment was assisted by a bat emergence survey and a tree survey also submitted as part of the application.
- 5.2.9 As part of the application and following initial concerns by the Environment Agency a drainage strategy, backed-up by appropriate flow calculations, has been submitted. The application was accompanied by a Flood Risk assessment when submitted.
- 5.2.10 The application was also accompanied by a transport assessment which included proposals to provide a footpath on the south-west side of Oak Lane, north from its junction with Grigg Lane as far opposite the junction with Knaves Acre. This would be secured through an agreement under s278 of the Highways Act.
- 5.2.11 The development seeks to achieve Code Level 3 of the Code for Sustainable Homes.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3.2 The site is located in the countryside outside the defined settlement boundary of Headcorn. As stated earlier the site does however immediately adjoin the boundary along its western side. The starting point for consideration therefore is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 as follows:-

IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO:

- (1) THAT WHICH IS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE AND FORESTRY; OR**
(2) THE WINNING OF MINERALS; OR
(3) OPEN AIR RECREATION AND ANCILLARY BUILDINGS PROVIDING OPERATIONAL USES ONLY; OR
(4) THE PROVISION OF PUBLIC OR INSTITUTIONAL USES FOR WHICH A RURAL LOCATION IS JUSTIFIED; OR

**(5) SUCH OTHER EXCEPTIONS AS INDICATED BY POLICIES ELSEWHERE IN THIS PLAN.
PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.**

The proposed development does not fit into any of the exceptions set out in policy ENV28 which is why it has been advertised as a departure from the Development Plan.

- 5.3.3 It is necessary therefore to consider two main issues in relation to the proposals. Firstly whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified and secondly would the development cause harm to the character and appearance of the area or the amenities of surrounding occupiers?
- 5.3.4 Visual impact, landscape/ecology and residential amenity are considered later in the report.
- 5.3.5 In terms of other material considerations, Headcorn is a defined rural service centre and the application site immediately adjoins its boundary. The village offers a good range of facilities and services including shops, pubs, a school, doctors' surgery and rail station. The National Planning Policy Framework (NPPF) advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. With regard to applications for new housing in the countryside, new isolated dwellings should be avoided unless it accords with the special circumstances that are listed in paragraph 55 of the NPPF. The proposal clearly does not fall within any of the special circumstances cited, but it is in a sustainable location. Grigg Lane was recognised in the application for what is now The Hardwicks, as being in a sustainable location with regard to walking distance to the village amenities and services.
- 5.3.6 The fact that planning permission has been granted and implemented for the mixed use scheme immediately to the north east of this site and further away from the village boundary is also a strong material consideration. The location of the new doctors' surgery and pharmacy and the additional housing would be in close proximity to the proposed development.
- 5.3.7 Therefore, whilst that scheme may have been justified at the time due to demonstrated need outweighing the countryside location, the fact remains that it has altered the character of Grigg Lane. Prior to the acceptance of the mixed use scheme, Kent Cottage and Chance Holdings were the first sites whereby the density of built form dropped and buildings became more sporadic – a clear

indicator that the boundary of the village had been passed. The situation now is that between the village envelope and 'land east of Chance' there is almost an infill situation arising with Kent Cottage and Chance Holdings filling a void.

5.3.8 It is also necessary to consider the current position with regard to housing land supply within the Borough. Members will be aware of government advice in the National Planning Policy Framework that states (para 47) that Councils should;

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

5.3.9 The NPPF defines deliverable as:

'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'

5.3.10 As stated above, local planning authorities must identify a 5-year supply of housing sites that have a realistic prospect of being delivered within that time frame. The land supply is updated at 1 April each year for a rolling 5-year period, and measured against the dwelling target for the local plan period (usually 20 years).

5.3.11 Maidstone has moved away from the preparation of a Core Strategy for the period 2006 to 2026 towards the production of a single Maidstone Borough Local Plan 2011 to 2031. The local plan will set a new dwelling target and allocate land to meet it. This work has not yet been completed, so an interim plan target/period for the calculation of Maidstone's 5-year housing land supply must be established.

5.3.12 The South East Plan (2009), which was the regional spatial strategy for the south east, set a target for Maidstone of 11,080 dwellings for 2006 to 2026. This target was based on evidence submitted by Maidstone Borough Council to the Examination in Public for the South East Plan and was supported by Kent County Council.

5.3.13 In 2010 the government announced its intention to revoke regional strategies and, as a consequence, a draft local target of 10,080 dwellings for the period 2006 to 2026 was determined and approved for public consultation in 2011. This target has since been overtaken by events. Several core strategy examinations in other parts of the country were suspended in 2012 (and in 2013) because the presiding Inspectors were not

satisfied with the evidence supporting the local authorities' housing and employment targets. At these examinations there was a move away from locally determined targets to a greater emphasis on meeting national projections. Consequently, in November 2012, Cabinet resolved to re-examine the borough's draft dwelling target through a review of the evidence base.

- 5.3.14 The National Planning Policy Framework advises local planning authorities to have a clear understanding of housing needs in their area. They should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meets household and population projections, addresses the need for all types of housing including affordable housing and caters for housing demand and the scale of housing supply necessary to meet this demand. Local planning authorities should prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
- 5.3.15 The review includes three key pieces of work that together will establish a sound dwelling target for the local plan period 2011 to 2031: updated demographic forecasts, the production of a new SHMA and the preparation of a new SHLAA. Work on the SHMA and SHLAA is ongoing but further demographic and labour supply forecasts were completed in December 2012, using updated 2008 DCLG data (published in 2010) and also data from the 2011 census that had been released at that point. The forecasts looked at a number of scenarios, and an independent review of the data supported the officer-led approach of using the 10-year trend based projection of 14,800 dwellings for 2011 to 2031.
- 5.3.16 The two options for establishing an interim target (11,080 dwellings or 14,800 dwellings) have been given full consideration. The South East Plan was revoked in March 2013 but its 11,080 dwelling requirement for Maidstone had been tested through public examination, and it addressed a period (2006 to 2026) that is not too far removed from the new local plan period of 2011 to 2031. The population projections this target was based on are likely to be quite dated, but they are not considered to be too historic. The 2012 projection of 14,800 dwellings (2011 to 2031) represents very recent data, but this trend based projection is based on unrefined demographic data that has not yet been tested through the SHMA and the SHLAA, or through public consultation and independent examination. The new draft dwelling target will be approved for public consultation by Cabinet in September 2013 once the work to update the local plan evidence base is completed.
- 5.3.17 Legal opinion has been sought on this matter, which confirms that the South East Plan target of 11,080 dwellings for the period 2006 to 2026 should be used as an interim target and applied in calculating 5-year housing land supply. The council's 5-year housing land supply position at 1 April 2013 is set out below.

	Requirement	dwellings
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1	Interim housing requirement 2006/07 to 2025/26	11,080
2	Less completed dwellings 2006/07 to 2012/13	-4,880
3	Requirement 2013/14 to 2025/26	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013/14 to 2017/18 (501x5 years)	2,505
	Supply	
8	5-year housing land supply 2013/14 to 2017/18	2,135
	5-year housing land supply position at 1 April 2013	
9	Shortfall in housing land supply	-370
10	Percentage housing land supply (2,135 as a % of 2,505)	85.2%
11	Number of years housing land supply (2,135÷501)	4.2 years

At this point the council has 4.2 years of housing land supply, which represents 85.2% of its requirement.

5.3.18 In the light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the identified shortfall and I consider this to be a strong material consideration in favour of permitting the development.

5.3.19 Subject to the details of the scheme being acceptable I raise no objections to the principle of development.

5.4 Visual Impact and Design

5.4.1 A key consideration in relation to the application is the visual impact of the development on the countryside. Clearly there will be some change to the character of Grigg Lane if the development proceeds, the most significant being the introduction of the new access road and the removal of the existing hedge adjacent to Chance Holding. However as stated above a significant change to Grigg Lane has already occurred with the recent development of The Hardwicks and the new Doctors' surgery.

5.4.2 The development will result in the loss of some open land, and as such, the character of the immediate vicinity will be altered. However, it is also important to assess the impact of the proposal to the area as a whole, and in particular whether the development would significantly affect the medium and long distance views of the application site.

- 5.4.3 Whilst within the open countryside, the development would be within an area of sporadic development that has been significantly consolidated as outlined above. There are houses to the north-east, and south-west of the site together with a large commercial nursery to the east of the site. As such, whilst within the open countryside, the introduction of further built form within this site 'sandwiched' between the development within the village boundary and the new development at The Hardwicks would not appear unduly incongruous. As one views the site from the south-west it is currently seen with a backdrop of substantial trees, and residential properties in The Hardwicks. Likewise when viewed from the north-east, the site has a backdrop of a substantial trees and residential properties. The proposal would see the retention of a significant number of trees, and as such, this backdrop would remain relatively unaffected. As the properties would be a maximum of two storeys in height they would be relatively low level, with many of the trees along the boundary higher than the proposed properties, thus retaining the 'green edge.'
- 5.4.4 I do not consider that the proposal would have a detrimental impact upon long distance views from the east of the site. There is a significant level of screening along the eastern side of Grigg Lane, with many of the trees at this point in excess of 8metres in height. This together with the landscaping proposed within the site and the retained framework on the development to the east would soften the appearance of this development from long range views from the east. As the land is relatively flat in this direction, it would not be possible to obtain an elevated position over the site.
- 5.4.5 Whilst the land to the west and north does rise, this is with a gentle gradient, and as such, there would be no medium distance elevated views of the site as a whole. Long distance views from any elevated position would see the site in the context of the village as a whole, and would be viewed as clustered next to existing development. As such, whilst there would be a change in the character of the area within the immediate vicinity, I consider that the proposal would not significantly alter the medium to long distance views of the locality, and as such the impact upon the countryside is minimised.
- 5.4.6 I consider that the proposed site layout is acceptable. Whilst there are a number of dwellings sited close to and fronting Grigg Lane, the dwellings front the lane and return into the site framing the entrance to the development. Their setting can be enhanced and the overall appearance softened through the provision of a native species hedgerow and hedgerow trees to their frontages and also on the western side of the access road. The dwellings are no closer to the highway than those on the adjacent development to the east. Further into the site the proposed dwellings either front the main access road itself or the shared spaces accessed from it. Appropriate landscaped areas will be provided along the main access road to further soften the development which I consider

should also include tree planting. The proposed open areas and the LAP will now be overlooked and surveilled, as will the proposed diverted Public Right of Way following changes secured during consideration of the application. The dwellings on Plots 3 and 6 have specifically been sited and designed to overlook the open area and the re-routed Public Right of Way. I consider that appropriate private amenity areas have been provided for the dwellings although some are clearly larger than others.

- 5.4.7 The access road has been designed with speed attenuation curves to reduce overall vehicle speed and as result widens on the bands to allow larger vehicles (such as refuse trucks) to safely track through the development. The road has also been designed to potentially accommodate further phases of development in the future. The road will be provided with appropriate landscaping either side of it which will further soften the development. I do consider that it would be appropriate to ensure provision is made to ensure parking on the verge(s) does not take place. Such measures can be secured by condition.
- 5.4.8 Appropriate surfacing of the access road and parking courts can also be secured by condition. I consider that the first section of the access road at the entrance to the development from Grigg Lane to the point where the road narrows from 5.5m to 4.8m should be surfaced with block paving, the parking courts and sections of shared access roads off the main site roadway could be surfaced in bonded gravel and all driveways surfaced with block paving. This will enhance the overall appearance of the development.
- 5.4.9 The design of the dwellings themselves is acceptable and will provide a variety of sizes and forms throughout the development. The indicated external materials for the dwellings as set out in the submitted schedule are also considered to be appropriate. The proposed use of a good quality reddish/brown stock brick as the main brick with an appropriate red stock feature brick, plain roof tiles and a mixture of white weatherboard cladding or tile hanging or on seven of the plots full brick elevations will result in a satisfactory external appearance to the development.
- 5.4.10 Given the site's location backing onto fields and also the relationship with the open area on the western side of the site, the impact of lighting will be important. Whilst no lighting details have been submitted, details can be secured by condition which can be formed to reflect the site's location in the ILE Guidance for the Reduction of Obstrusive Light within an area classified as Zone E2.
- 5.4.11 No objections are raised to the development on visual impact or design grounds.

5.5 Residential Amenity

- 5.5.1 The development would not result in any unacceptable direct impact on existing adjoining properties in terms of privacy or overlooking. The relationship between the proposed house on Plot 1 is and 'Glencoe' the dwelling to its west was considered under application MA/12/1068 and was considered acceptable. This relationship would not change as a result of this application.
- 5.5.2 The nearest dwellings on the site relative to 61-65 (consec) Knaves Acre would be located in excess of 60m to the east, beyond the proposed open area. Appropriate privacy and security screening and hedging can be provided along the western boundary of this area as it adjoins Knaves Acre and can be secured by means of condition.
- 5.5.3 The properties at 1-3 Hydes Orchard on the south side of Grigg Lane are located opposite the site and have rear gardens facing towards Grigg Lane along which there is an established tree and hedge screen albeit sparse in places. Nevertheless, the dwellings at 2 and 3 Hydes Orchard are sited in excess of 25m from the site application site's boundary, with Grigg Lane intervening. No1 Hydes Orchard has a flank wall facing Grigg Lane.
- 5.5.4 I also consider that there is an acceptable relationship between the proposed development and the newly completed development in The Hardwicks to the east with a separation in excess of 30m from the rear of the proposed dwellings on plots 22-25 and the dwellings in The Hardwicks. The relationship between proposed plot 29 and the dwellings to the east is also on balance considered acceptable given the retained boundary planting on the eastern side of the site and landscaping within The Hardwicks site. The first floor east facing flank wall of Plot 15 in the new development has a bathroom window facing towards the rear of the closest dwelling in The Hardwicks at a distance of approximately 9m. This window can be conditioned to be obscure glazed.
- 5.5.5 There is also an acceptable relationship between the proposed houses within the development.
- 5.5.6 Clearly there will be additional traffic generated by the development. However I do not consider that in and of itself that the levels generated which amount to some 22/23 two-way traffic movements in peak hours (and which Kent Highway Services have concluded can be accommodated on the existing network) would result in such increased noise and disturbance to local residents compared to existing traffic levels as to be able to warrant and sustain an objection on these grounds.

5.5.6 No objections are therefore raised to the development on the grounds of impact on residential amenity.

5.6 Highways

5.6.1 Kent Highway Services have not raised objections to the development in terms of its impact on the local highway network. There will be a clear benefit to highway and pedestrian safety generally in the area arising from the provision of the footway in Oak Lane, which I am advised will cost in the region of £60-£70,000 to provide.

5.6.2 The comments of the highway authority regarding parking provision are noted. However I do consider that it is necessary to balance landscaping and parking in all schemes. It is my view that an appropriate balance has been struck in relation to this application, as a total of 46 parking spaces in addition to 25 garages are proposed to serve the development and that there is appropriate landscaping within the scheme.

5.6.3 The existing PROW is to be diverted within the site. This will require a formal diversion order, but as it is necessary to enable the development proceed, such a diversion can be made through an Order obtained under the provisions of s247 of the 1990 Planning Act. Appropriate conditions can cover this.

5.6.4 I do not consider that objections can be raised to the development on highway grounds.

5.7 Landscaping and ecology

5.7.1 Landscaping is a reserved matter. The site layout plan illustratively indicates where landscaping would go within the site. I consider that a suitable framework is shown and that important existing habitat connectivity along the site boundaries and the open area on the site's western side would be maintained by the development. Clearly, the treatment of the site's boundaries will be important to provide screening for the development but also in terms of providing connecting habitat corridors with the wider area. I also consider it necessary to ensure that the boundary of the site with Grigg Lane and to the front of the proposed dwellings fronting Grigg Lane is formed by a native species hedgerow set behind the visibility splays for the site access together with hedgerow trees of suitable species set into the hedgerow at appropriate intervals. Appropriately framed conditions can secure this.

5.7.2 The site layout has been considered following assessment of the ecology and ecological mitigation required for the development and an appropriate mitigation strategy has been provided in consultation with Natural England.

New habitat (rough grassland 0.05ha and a new pond 0.22ha in area) will be created in the area to the north of proposed Plots 1 and 2 and as stated earlier an existing framework of connecting habitat maintained and enhanced through the provision of 0.09ha of new woodland to the west of plots 3 and 6 adjacent to plot 11 on the site's eastern boundary and also to the north of plots 15-19 linking with the existing pond and rough grassland on the site's eastern boundary. The strategy will also provide log-piles and hibernacula in the copse. In addition there is a firm commitment to the use of wildlife friendly gullies for highway drainage. Other measures such as the provision of bird and bat boxes and the use of swift/bat bricks appropriately sited on the development and in the existing woodland can also be secured.

- 5.7.3 Subject to appropriate conditions securing the mitigation and enhancement measures and also governing the detailed landscaping scheme no objections are raised to the development on landscape or ecology grounds.

5.8 Other matters

- 5.8.1 The proposed drainage strategy for the site which does incorporate SuDS has been agreed with the Environment Agency. The Agency is satisfied that subject to detailed design that run-off discharge post-development in the event of a 1 in 100 year critical storm will not exceed the run-off from a corresponding storm in its undeveloped state. Subject to a condition requiring a details sustainable surface water drainage scheme to be submitted together with a scheme for foul water drainage as requested by Southern Water, no objections are raised to the development on Flood Risk grounds.

- 5.8.2 The development will achieve Code Level 3 within the Code for Sustainable Homes. Officers have sought to achieve Code Level 4 but the applicants have declined to accede to this request. The primary reason being the additional cost but also because there is no adopted local policy that seeks to secure Code Level 4.

- 5.8.3 I concur with the latter reason. There is an emerging draft policy but this has very little weight at the current time and has also not been independently tested or examined. Where Code Level 4 cannot be achieved by negotiation, the Council is not, due to the lack of an adopted local policy in a position to insist on that level being achieved.

5.9 S106 obligations

- 5.9.1 Any s106 obligation should meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012, which state that any obligation must be:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

There have been requests from West Kent PCT and Kent County Council for s106 contributions.

- 5.9.2 In respect of the PCT request, the applicants have confirmed that they do not consider that this meets the tests and have indicated their unwillingness to provide the contribution, on the basis that a new surgery is being constructed immediately adjacent to the site, which has been designed with the potential for increased capacity. They also contend that it is also not reasonable or directly related to the application to use a contribution on two surgeries in the village of Sutton Valence which lie some distance away. I concur with this view. The adjacent surgery has been designed with the capacity to accommodate additional patients and I also understand that an increased patient role was a requirement of funding for the surgery. In the absence of any further justification from the PCT, I do not consider that their request meets the three tests on this occasion.
- 5.9.3 I do consider that the requests from Kent County Council towards library facilities, community learning and adult social services and the Primary school contributions for expansion and land acquisition are justified and that the relevant tests are met as the contributions would be used to enhance local facilities and meet additional need generated by the development.
- 5.9.4 Eleven units of affordable housing are to be provided which has been increased from the 8 units originally proposed. This meets adopted Development Plan policy. The provision of affordable housing is adopted development plan policy and I consider that the tests are met.

6.0 CONCLUSION

- 6.1 The development site is located in the countryside outside the defined boundary of Headcorn village and as such represents a departure from development plan policy and would normally warrant refusal.
- 6.2 There are however, material considerations which have been set out and addressed in this report which indicate a different decision could be made.
- 6.3 The development would not result in such unacceptable harm to the countryside as to warrant refusal. As discussed earlier in the report it takes the form of an infill development between the existing defined boundary of the

village and the adjacent mixed-use development at The Hardwicks. The site is not readily visible in medium to long distance views and would in any event be read with the development either side of it. The site is in a sustainable location and lies immediately adjacent to a Rural Service Centre which does accord with the advice in the national Planning Policy Framework also considered earlier in the report.

- 6.4 There is also the issue of the current lack of a five-year housing land supply. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.
- 6.5 The principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on residential amenity and following detailed submission and mitigation, in terms of landscaping and ecology.
- 6.6 Subject to the prior completion of a s106 agreement in accordance with the heads of terms set out above and the imposition of appropriate conditions, I recommend that permission should be granted.

7.0 RECOMMENDATION

SUBJECT TO:

A: The prior completion of a s106 legal agreement in such terms as the Head of Legal Services may advise to secure:

- 1) The provision of a minimum of 11 units of affordable housing.
- 2) A contribution of £3472.13 towards the provision of bookstock and library services.
- 3) A contribution of £774.14 towards the provision of community learning facilities and services.
- 4) A contribution of £430.51 towards the provision of Adult Social Services facilities.
- 5) A contribution of £2360.06 per applicable house towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development.
- 6) A contribution of £1924.09 per applicable house towards acquisition of additional land to accommodate expansion of Headcorn Primary school.

The Head of Planning BE GIVEN DELEGATED POWER TO GRANT PERMISSION subject to the following conditions and informatives:

1. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

- (i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans.
- (ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the re-aligned Public Right of Way within the site (including its routeing, method of construction and foundations), the roadway in the north east corner of the site adjacent to the proposed LAP and the construction of the dwellings on plots 7, 10 and 15.
- (iii) A long term landscape management plan for the site including the open area to the north of Plots 1& 2 and west of Plots 3 and 6, to be prepared having regard to and in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.
- (iv) The provision of native species hedging and hedgerow trees to the Grigg Lane frontage west of the access road and the frontages of plots 22-29 inclusive
- v) The provision of natives species hedgeing and railings/dwarf walls/fencing to the highway frontages of the remaining proposed dwellings other than plots 22-29 inclusive.
- (vi) Measures to prevent parking on the landscaped verges along the site access roads.
- (vii) Appropriate native species under-storey planting to the proposed woodland corridors.
- (viii) Details of the external surfaces of all roadways, driveways and footways within the site which shall include
 - a) the use of block pavements or granite setts for the first section of the access road from its junction with Grigg Lane to the point where it narrows from 5.5m to 4.8m,
 - b) the use of bonded gravel for the parking courts and sections of shared access road off the main site access and brick pavements for driveways and other pathways.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

2. The development shall be carried out in accordance with the recommendations of the ecological survey report dated 30 January 2013 and the Mitigation Strategy dated 1 August 2012 (both prepared by Flag Ecology) and shall include;
- (i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.
 - (ii) the retention of a proportion of the cordwood within the site.
 - (iii) the provision of refugia and hibernacula.
 - (iv) the provision of 'wildlife-friendly' drainage gullies.

Reason: To secure appropriate enhancement within the site in the interests of ecology and biodiversity pursuant to the advice in the National Planning Policy Framework 2012.

3. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

4. 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) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) 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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

5. The external materials used in the construction of the of the dwellings shall be as specified in the external materials schedule GN/12/2013 received 17/06/2013 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development pursuant to the

advice in the National Planning Policy Framework 2012.

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

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in the National Planning Policy Framework 2012.

7. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and the advice in the National Planning Policy Framework 2012

8. The development shall not commence until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped area has been minimised.

The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

9. The development shall not commence until a detailed design for a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage design should include details of how the scheme shall be maintained and managed after completion.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

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

Reason: To prevent flooding both on and off site by ensuring the satisfactory storage and disposal of surface water in accordance with the advice in the National Planning Policy Framework 2012.

10. The development shall not commence until a details of foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul water pursuant to the advice in the National Planning Policy Framework 2012.

11. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

12. No part of the development hereby permitted shall be occupied until the footway on Oak Lane shown on drawing no OLH-004 received 26/10/20012 has been constructed, completed and provided with its final external surface.

Reason: In the interests of highway and pedestrian safety pursuant to policy T23 of

the Maidstone Borough-wide Local Plan 2000.

13. Before the development hereby permitted is first occupied, the proposed first floor east facing bathroom window to plot 15 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers pursuant to the advice in the National Planning Policy Framework 2012.

14. The development shall not commence until an Order has been made pursuant to s247 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606.

Reason: In order to ensure that the public right of way is not adversely affected in accordance with Policy ENV26 of The Maidstone Borough-Wide Local Plan 2000.

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

Reason: To protect the amenities of existing and future residents and to ensure compliance with the National Planning Policy Framework 2012.

16. The development hereby permitted shall be carried out in accordance with the following approved plans:

PL-GH-10-13 (consecutive), drawing nos PL-GH-22-42 (consecutive) and drawing no OLH-004 received 26/10/2012 and drawing nos. PL-GH-ALPrevB, PL-GH-15A, 16A, 17A, 18A, 19A, 20A and 21A received 28/02/2013 and materials schedule GN/12/2013 received 17/06/2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area and the residential amenity of neighbouring occupiers in accordance with the advice in the National Planning Policy Framework

2012.

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

a. Landscaping

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

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

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

Informatives set out below

When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or

the trees in the grounds

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

You are advised that:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Kent County Council Public Rights of Way Office.
3. There should be no close board fencing or similar structure over 1.2 metres in height erected which will block out the views:

4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

5. No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However given the current shortfall in the required five-year housing supply and the lack of unacceptable harm to the character or appearance of the area as a result of the development and its relationship with the wider countryside and existing adjoining development, together with the site's sustainable location immediately adjacent to a rural service centre a departure from that policy would be likely to result in only minor harm to the character of the countryside.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.