

**REPORT SUMMARY**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                            |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>REFERENCE NO - 13/2197</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                            |                                                                                        |
| <b>APPLICATION PROPOSAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                            |                                                                                        |
| <p>Erection of 220(no) residential dwellings together with access, parking, landscaping, and ancillary works on land at Boughton Lane, and provision of new playing fields for New Line Learning Academy as shown on 2084-001, 2084-002, 2084-29, 2084-30, 2084-31, 2084-33 to 2084-39, 2084-99, 2084-100, 2084-102, 2084-104, 2084-105, 2084-32, 2084-35, 2084-40, 2084-41, 2084-42, 2084-43, 2084-44, 2084-45, 2084-46, 2084-47 2084-48 2084-49, 2084-50, 2084-51, 2084-52, 2084-53, 2084-54, 2084-55, 2084-56, 2084-57, 2084-58, 2084-59, 2084-60, 2084-61, 2084-62, 2084-63, 2084-64, 2084-65, 2084-66, 2084-68, 2084-70, 2084-73, 2084-75, 2084-78, 2084-80, 2084-82, 2084-85, 2084-87, 2084-90, 2084-91, 2084-92, 2084-95 2084-97, 2084-108, 2084-113, 2084-120, 2084-121, 2084-122, 2084-123, 2084-124, 2084-125, 2084-126, 2084-127, 2084-128, 2084-129, 2084-130, 2084-131, 2084-132, 2084-133, 2084-134, 2084-135, 2084-136, 2084-137, 2084-138, 2084-139, 2084-140, 2084-141, 2084-142, 2084-150, 2084-151, 2084-152, 2084-153, 2084-154, 2084-155, 2084-156 RevA, 2084-157 RevA, 2084-158 RevA, 2084-159 RevA, 2084-160 RevA, 2084-161 RevA, 2084-63, 2084-65, 2084-67, 2084-69, 2084-71, 2084-72, 2084-74, 2084-76, 2084-77, 2084-79, 2084-81, 2084-83, 2084-84, 2084-86 2084-88, 2084-89, 2084-93, 2084-94, 2084-96, 2084-97, 2084-107, 2084-109, 2084-110, D1977.L.100 , D1977.L.101 RevA, D1977.L.102 RevA, Design and Access Statement, Planning Statement, Statement of Community Involvement, Affordable Housing and Contributions Statement, Code Level 4: Analysis of cost uplift and proposed alternative strategy, Transport Assessment and Travel Plan, Utilities Appraisal including Appendices 1-7, Extended Phase 1 Habitat Survey and Bat Building Survey Report, Archaeological desk based assessment, Method statement for a Magnetometer survey, Detailed Magnetometer survey, Arboricultural report and tree survey, Flood risk assessment and drainage strategy, Desk study and ground investigation, Application Form and Supporting Letters received 19<sup>th</sup> December 2013. And plan numbers 2084-64 RevA, 2084-66 RevA, 2084-96 RevA, 2084-98 RevA, 2084-101 RevA, 2084-103 RevA, 2084-106 RevA, 2084-111 RevA, 2084-114 RevA, 2084-65 RevA, 2084-95 RevA, 2084-97 RevA, 2084-100 RevA, 2084-102 RevA, 2084-105 RevA, 2084-112 RevA, 2084-113 RevA, 2084-09 RevC, 2084-10 RevC, 2084-11 RevC, 2084-012 RevC, 2084-013 RevC, 2084-014 RevC, 2084-015 RevC, 2084-016 RevC, 2084-017 RevC, 2084-018 RevC, 2084-019 RevC Received 25<sup>th</sup> March 2014. Plan number DHA/6723/01 received May 2014, SK01 RevP1 received May 2014.</p> |                                                            |                                                                                        |
| <b>ADDRESS</b> Land At, Boughton Lane, Maidstone, Kent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                            |                                                                                        |
| <b>RECOMMENDATION</b> GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT (see section 11 of report for full recommendation)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                            |                                                                                        |
| <b>REASON FOR REFERRAL TO COMMITTEE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                            |                                                                                        |
| The application is being reported to the planning committee as it has been called in by Councillor Derek Mortimer and is a major development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                            |                                                                                        |
| <b>WARD</b> South Ward                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>PARISH/TOWN COUNCIL</b> Maidstone                       | <b>APPLICANT</b> Kent County Council Future Schools Trust<br><b>AGENT</b> DHA Planning |
| <b>DECISION DUE DATE</b><br>2 <sup>nd</sup> April 2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>PUBLICITY EXPIRY DATE</b><br>2 <sup>nd</sup> April 2014 | <b>OFFICER SITE VISIT DATE</b><br>28 <sup>th</sup> January 2014                        |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                            |                                                                                        |

| <b>adjoining sites):</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |             |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------|
| <b>App No</b>            | <b>Proposal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Decision</b>          | <b>Date</b> |
| 13/1375                  | Application for the approval of reserved matters of appearance, landscaping, layout and scale and discharge of conditions 4 (boundary treatments), 5 (refuse storage), 7 (landscaping requirements), 9 (parking provision) and 11 (scheme parameters) pursuant to outline planning permission MA/12/1989 for the erection of a new primary school.                                                                                                | Approved with conditions | 13/12/13    |
| 12/1989                  | Outline application for the erection of a primary school with access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval.                                                                                                                                                                                                                                                              | Approved with conditions | 05/08/14    |
| 09/2293                  | A consultation with Maidstone Borough Council by Kent County Council for the floodlighting of the two 3-court multi use games areas.                                                                                                                                                                                                                                                                                                              | Raised no objections     | 12/02/10    |
| 08/2098                  | A consultation with Maidstone Borough Council by Kent County Council for the demolition of existing school buildings, erection of new academy, including erection of new 6 court sports hall, erection of vocational centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 150 bicycle spaces, strategic landscaping works and associated circulatory access roads.              | Raised no objections     | 11/11/08    |
| 08/1700                  | An Article 10 Consultation by Kent County Council with Maidstone Borough Council for the demolition of existing school buildings, erection of a new Academy including erection of new 6 court Sports Hall, erection of Vocational Centre (indicative footprint only), re-provision of outdoor playing pitches, new 6 court MUGA, 153 car parking spaces, 160 bicycle spaces, strategic landscaping works and associated circulatory access roads. | Raised no objections     | 17/10/08    |

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site comprises two fields located immediately to the south of the New Line Learning Academy complex (formerly known as 'Oldborough Manor Community School'), situated to the eastern side of Boughton Lane. In the wider context, this site is to the south of Maidstone

town centre and east of the Loose Road forming a main route in and out of Maidstone.

- 1.02 The 18.95ha site comprises an existing playing field associated with the New Line Learning School together with an adjacent agricultural field. The playing field, which is previously developed land, is located within the urban area of Maidstone with the agricultural field to the east within the countryside and Anti-Coalescence Belt (ENV32) as defined by the Maidstone Borough Wide Local Plan 2000. The two fields are split by a footpath (KB26) which runs from north to south) in a straight line through the centre of the site.
- 1.03 To the north of the existing playing field are the buildings of the New Line Learning Academy which is not separated by any defined boundary. The remaining boundaries to the playing fields are defined with a steel palisade fence forming the boundary to the central footpath to the eastern boundary of the playing field. A second footpath (KM98) continues from west to east leading on to Boughton Lane together with a line of established planting and trees. This boundary landscaping and trees links to the Five Acre Wood (area of Ancient Woodland) sited between the site and Boughton Lane itself in the west of the site. The agricultural field has defined boundaries with established trees and landscaping continuing around the field. Footpath (KB27) continues beyond the southern boundary and extends from north to south along the eastern boundary of this field.
- 1.04 In addition to the trees and landscaping to the boundaries of the site, there are a small number of trees dotted within the playing field itself. None of the trees within this site are protected by TPO. Much of the site itself is level with the eastern part having a slight slope to the south. The site is also located on an area of high ground to the east of the Loose Valley.
- 1.05 Within the wider context, west of the site are the established residential estates of Loose with the Kent Police complex, Parkwood and Mangravet estates located to the east. The countryside extends south including the Boughton Mount complex some 100m beyond the southern boundary.
- 1.06 As Boughton Lane continues through the urban area to the south, its character becomes more rural by virtue of the hedgerows and established planting which buffers the road which also narrows at this point. Consequently, the site has a more rural character due to this urban fringe location. Indeed, arable fields and general agricultural land continues towards the south of the site to the modest residential areas of Boughton Monchelsea village boundary.
- 1.07 The site is considered to be sustainable by virtue of its position within walking distance of local shops and schools. Loose Road is also a short walk to the west which provides regular bus services to Maidstone Town Centre as well as villages to the south.

## 2.0 **PROPOSAL**

- 2.01 The proposed scheme essentially comprises two main elements. The erection of 220 new residential dwellings and the provision of new playing fields for the New Line Learning Academy.
- 2.02 Dealing with the residential development first, this would be sited on the existing school field and would include new accesses, parking, landscaping, and ancillary works on the land. The 220 dwelling proposal would include a mix of one, two, three, four and five bedroom units also with the provision of flats within apartment blocks. See table below for proposed mix numbers.

| <b>Unit Type</b>       | <b>Market</b> | <b>Affordable</b> | <b>Total</b> |
|------------------------|---------------|-------------------|--------------|
| 1 Bed Flat             | 0             | 6                 | 6            |
| 2 Bed Flat             | 0             | 27                | 27           |
| 2 Bed FOG              | 6             | 4                 | 10           |
| 2 Bed House            | 11            | 14                | 25           |
| 3 Bed House            | 78            | 15                | 93           |
| 4 Bed House            | 53            | 0                 | 53           |
| 5 Bed House            | 6             | 0                 | 6            |
| <b>Total</b>           | <b>154</b>    | <b>66</b>         | <b>220</b>   |
| <b>Density - 40dph</b> |               |                   |              |

- 2.03 The scheme includes 16 house types with a number of variations to account for siting characteristics of the site. The dwellings would be of 2 to 2½ stories in scale with the inclusion of chimneys to a number of key plots. The eaves heights and ridge heights of the dwellings would generally range between 4.6m to 7.5m and 7.8m to 10.5m respectively. The apartment blocks are 3 stories in scale and have an eaves height and ridge height between 7.7m to 8m and 11.5m to 12.2m respectively. These heights allow some differences in the roofscape and add to the character of the development. The large house types are generally focused around the green space central to the development. These are the largest plots and offer a presence within the streetscene together with planting in the open space. Other larger house types are positioned on key and corner plots, again to break up streets and to enhance the character of the spaces.
- 2.04 In terms of the layout, the scheme would include two new entrances in to the site, one to the western boundary and one to the southern boundary of the site, both accessing Boughton Lane. The western access would be located through part of the Five Acre Ancient Woodland within the same position as a previous construction access. This was created during the development of the New Line Learning Academy and was removed as an access following completion of the development. The southern access would be positioned between the existing turns in Boughton Lane to cater for suitable visibility.

2.05 The scheme includes a main spine road through the centre of the site which has a strong frontage presence along its length. This is lined with new planting to create an avenue sense highlighting this main route. The design incorporates properties with a good set back from the highway, with a good level of landscaping provision along this frontage. The properties along this stretch would be set back approximately 5metres from the road edge, with tree planting providing a buffer to this. A second looped road would link from this spine route accessing the eastern side of the development following this landscape character with some tree planting within the streetscene. A series of shorter and narrower residential streets which would be screened by the existing dense landscaping and Ancient Woodland extend to the western corner of the development.

2.06 The proposed new playing fields would be located within the agricultural field forming the second element of this proposal. The playing fields would occupy a larger area than existing with an increase of approximately 30% from 6.93ha to 8.65ha. An area of land to the northern part of this field would be left undeveloped and would provide access for the school to the playing fields crossing the existing footpath.

2.07 The playing fields would be fenced with steel palisade fencing to prevent unauthorised access and to provide suitable security for the school. The playing fields would be used for a variety of sports and would comprise a total of 8 pitches;

- 2 x Senior football pitches which can also be used as mini football pitches;
- 2 x Additional mini football pitch;
- A cricket pitch;
- A 6 lane athletics track with field athletic facilities;
- A Senior rugby pitch;
- A Rounders' field; and
- 2 x 10mx10m training grids.

### **3.0 SUMMARY INFORMATION**

|                                                                       | <b>Proposed</b> |
|-----------------------------------------------------------------------|-----------------|
| Site area (ha) of existing playing fields/new residential development | 6.93ha          |
| Site area (ha) of proposed playing fields                             | 8.65ha          |
| Site Area (ha) total                                                  | 18.95ha         |
| No. of Storeys                                                        | 2, 2½ and 3     |
| No. of Residential Units                                              | 220             |
| No. of Affordable Units                                               | 66              |
| Parking Spaces                                                        | 419             |

### **4.0 POLICY AND OTHER CONSIDERATIONS**

Development Plan: Maidstone Borough Wide Local Plan 2000 Policies:  
ENV6, ENV23, ENV28, ENV32, ENV49, T13  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Ministerial Statement for Growth 2012  
Maidstone Borough Local Plan Regulation 18 Consultation 2014  
Affordable Housing DPD 2006  
Open Space DPD 2006  
Kent Design Guide 2009  
The Loose Road Character Area Assessment

## **5.0 LOCAL REPRESENTATIONS**

- 5.1 A large number of neighbour representations have been received including a petition of approximately 1500 names and a number of letters from the North Loose Residents Association. A number of issues are consistent within the representations received. I have summarised the issues raised as below:-
- 5.2 The majority of the letters received raise concerns regarding the impact upon and loss of Ancient Woodland which is located to the western boundary of the site. As discussed in relation to this is concern regarding the loss of existing landscaping within the site and the impact upon ecology. Residents are also concerned regarding the traffic issues from this development in terms of capacity, congestion and highway safety within the local area. The loss of agricultural land has also been raised together with the impact upon the countryside through the loss of this land for agricultural purposes together with the development of this site as proposed causing harm to the character and appearance of the countryside. Comments regarding the existing adequate provision of sports facilities provided at the school have been raised and linked to this is the impact the development would have upon the school itself which is also included within some representations.
- 5.3 Comments have also been raised concerning the design of the development regarding the house types included together within their individual design, the density of the development and the overall layout. The level of open space provided has also been raised together with the connectivity of the scheme to the surrounding highway network and public footpaths.
- 5.4 These issues will be discussed and considered within the main report below.

## **6.0 CONSULTATIONS**

- **Boughton Monchelsea Parish Council** - Supports the application with the following comments:-

*"The above application has been considered by the Parish Council's planning committee, who confirm they wish to positively support it. The Parish Council are of the view that the development presents the*

*opportunity to provide 220 much needed residential units as an extension to the existing urban settlement. There are a number of traffic related matters which cause us some concern, but we are confident the relevant highways authorities/agencies will ensure these are resolved. These concerns revolve around:-*

- a) Boughton Lane/A229 Junction.*
- b) Road safety matters for pedestrians along Boughton Lane*
- c) Potential rat-runs.*

*To reiterate, Boughton Monchelsea Parish Council supports this application”.*

- **Loose Parish Council** - Raises objections with the following comments:-

*“The above application was discussed at a meeting of the Loose Parish Council planning committee on the 17th February 2014, which was attended by 29 members of the public. Whilst this application does not relate to a site within our Parish it is felt the proposals to be of direct consequence given the close proximity of the Parish. Loose Parish Council does not view the application favourably, and wish to object in the strongest terms. It is considered to have a huge detrimental effect to the area. We see no reason why this proposed application should go ahead as it stands. Our concerns are:-*

- *Density of the buildings, 40 dwellings per hectare is very dense, and not commensurate with those of surrounding areas.*
- *Very little allowance has been given to the provision of green areas.*
- *We doubt (from local experience of the effect of development feeding the Loose Road) that the traffic report does not accurately conclude the weight of traffic which will be added to the already overloaded junctions at Boughton Lane/ A229. Alternative estimates are being bandied about suggesting a 53% increase in traffic volume in Boughton Lane.*
- *Extra air pollution generated by more vehicles is a concern. We understand air pollution is already 50% above EU recommended levels at the Wheatsheaf junction.*
- *The development includes three, three storey blocks of apartments. These will jar with the character of the area and are not appropriate in a rural setting.*
- *We would wish to see all houses built under sustainability code 4. There should also be a greater emphasis on the provision of affordable housing i.e. up to 40% of the proposed development.*
- *The design of the dwellings is not exciting. They do not demonstrate any particular special design features. They are off the shelf and will not embrace the rural nature of the area or reflect the character of some fine houses in Boughton Lane.*
- *The application lacks some of the points raised in the MBC Blue and Green Draft Policy Document.*

- *There is concern that the road goes through ancient woodland. A greater buffer zone between the woodland and the development would be a positive as it would give greater protection to the woodland.*
- *Going south along Boughton Lane from the proposed development there are no footpaths. Given that the lane is narrow with some blind bends extra traffic will be a safety a hazard for pedestrians.*
- *Smaller lanes such as Payne's Lane, Pear Tree Lane will no doubt be used as alternative routes to avoid the lights at Boughton Lane/A229 junction.*
- *The Loose Road Character Area Assessment & Design Policies highlight the positive features of this area (pages 67 & 68). These will be lost.*
- *There will be extra demand placed on services and infrastructure, such as roads, medical centres, and utilities as a result of a development of this scale.*
- *We understand an idea had been put to the developer to develop his existing land, and provide an access out to the Sutton Road where traffic volumes are known to be less than in the already congested Boughton Lane and A229. This would have been a better option.*

*This development will have a huge impact not just on the immediate area but also on the Parish of Loose. There will be extra pressure placed on the surrounding roads and rural lanes with extra traffic volumes. Page 67 b) Of the LRCAA document states that "Parts of Pheasant Lane, Boughton Lane and Paynes lane all retain a strong rural character as narrow lanes lined with hedges and trees .Development should not erode these unique features through the loss of hedges/trees..... additional traffic will cause the erosion of such boundary features". The rural aspect and ancient woodland will be affected, and the character of the area will be lost. This development will neither protect nor enhance the landscape features. The high density of the development will create a demand for more services in terms of medical needs, utilities, and recreation.*

*Loose has a well maintained recreation ground with play equipment which is probably one of the nearest to the development. Because of the lack of provision for the needs of families in the development we feel there will be an increase in the use of the Loose facilities which of course are paid for by the residents of Loose. Air pollution is a matter that should not be taken lightly. It is disappointing that MBC have not considered the impact extra dwellings ie vehicles will have in certain areas such as the Wheatsheaf Junction. We fully support the reasons for refusal put forward by the residents of North Loose, and strongly object ourselves to this application. It is considered that this application should be put to the MBC planning committee".*

- **Sport England** - Raise no objections provided stated conditions on their response are imposed. These relate to the creation of the new sporting facilities prior to the construction of the residential development, submission of details concerning drainage, topography etc.



- **Upper Medway Internal Drainage Board** - Raises no objections with the following comments:-

*"The proposal is located outside of the Upper Medway Internal Drainage Board's district and is unlikely to affect the Board's interests. However, due to the scale of the development it is requested, should the Council be minded to approve this application, that drainage details are made subject to a planning condition requiring separate approval by the LPA, in consultation with the EA & KCC (which I'm sure will be the case). Surface water runoff from the site must be restricted to that of the pre-developed Greenfield site with on-site storage provided to accommodate the 1 in 100 year rainfall event (+30% for the predicted effects of Climate Change)".*

- **Southern Gas** - Raises no objections but do state that a number of service pipes are located within the proximity of the site. This information has been passed to the applicant for their information.
- **Southern Water** - Raises no objections and requests an informative that the applicant shall contact Southern Water regarding providing capacity improvements to accommodate the development.
- **KCC Heritage** - Raise no objections and require conditions as set out below:-

*"The site lies within an area which has considerable potential for prehistoric and Roman remains. Iron Age remains are particularly well known in the vicinity, with the Scheduled Monument of Boughton Camp, an Iron Age oppidum, to the south and Iron Age settlements to the east and south. A Roman road is considered to run along part of the eastern boundary and further Roman remains have been located along this route, especially to the east.*

*A substantial rectangular earthwork was marked on early OS maps and although much of this earthwork enclosure has been destroyed above ground, it seems that the western side may be preserved within the application site. Interpretation of this enclosure varies but it may be a Roman camp or enclosure because it respects the alignment of the Roman road.*

*This application is supported by a Deskbased Archaeological Assessment by CgMs. This report provides a reasonable assessment of buried archaeological issues. The conclusion of this report is that the site has high potential for Iron Age and Roman archaeology and in view of the "general absence of significant past post depositional impacts," that the development could have a severe and widespread archaeological impact. A geophysical survey was recommended as well as evaluation of the site. I note that a geophysical survey was undertaken and a report is included in the documentation supporting the application. The geophysical survey located several anomalies across the development site, many of which could well be*

*archaeological. I welcome this approach and in general agree with the specialist assessment.*

*However, this specialist assessment and the implications do not seem to have been fully appreciated by the applicant or their planning agents. The Planning Statement only briefly mentions archaeology in section 14 and suggests that only "certain features will need to be examined prior to development. This could be conditioned." Although it may be possible to address heritage issues through conditions, the currently proposed mitigation is not sufficient.*

*In view of the intensity of the proposed housing and the high potential for Iron Age and/or Roman remains in the western field, there needs to be an archaeological programme of works across the western field with the possible need to archaeologically excavate across the entire site, not just a few features. I would like to advise the applicant that some pre-determination fieldwork, such as targeted trial trenching, may have ensured that they were more fully informed of the potential extent of archaeological works.*

*The creation of the playing fields in the eastern part of the site may involve some levelling and groundworks, which could have an impact on archaeological remains. Therefore part of this eastern field may need widespread archaeological evaluation fieldwork too. Again pre-determination archaeological fieldwork may have ensured that the landscaping scheme was more fully informed and included appropriate archaeological mitigation at this stage.*

*This development site seems to contain a historic landscape feature which may be of significance and may require preservation in situ. The landscaping proposals may have addressed this but there is no statement to this effect. Heritage issues do not appear to have been considered in the landscaping and there is a possibility that this feature could be inadvertently lost to minor landscaping works. It would be preferable for this development scheme to include measures to secure preservation in situ of this historic landscape feature and to ensure its significance is understood and appreciated. It may be that some positive heritage enhancement measures can be achieved, providing the local community, including the school, with interpretation and awareness of their local heritage asset.*

*In summary, the specialist assessment of heritage is reasonable but the mitigation measures put forward are inadequate and reflect a lack of understanding of the heritage assets of this site. Although it would be preferable for heritage mitigation measures to be better informed by further fieldwork, heritage issues can be addressed through conditions. I recommend the following conditions are placed on any forthcoming consent:*

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of*

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

*Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.*

*On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will arrange for the development archaeological archive to be deposited in a suitable museum or similar repository to be agreed with the County Archaeologist and the Local Planning Authority. Deposition of the archive will include a one-off payment by the Developer at the standard museum archive storage rate per box at the time of deposition.*

*Reason: To ensure appropriate deposition and long term storage of archive*

*On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will undertake a programme of heritage interpretation based on the results of the post excavation assessment, in accordance with a framework agreed with the County Archaeologist and the Local Planning Authority. The Heritage Interpretation will be suitably integrated into the development.*

*Reason: To ensure information on the heritage is appropriately disseminated”.*

- **Environment Agency** - Raise no objections with the following comments:-

*“We have no objection to this proposal providing the following conditions are included in any permission granted.*

*Flood Risk*

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

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

*Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure water runoff generated from the new development does not exceed the runoff from the undeveloped site and does not increase the risk of flooding off-site.*

*Groundwater and Contaminated Land*

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

*Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.*

*Reasons for both conditions above: To protect the underlying groundwater from the risk of pollution and in accordance with the requirement of the National Planning Policy Framework (NPPF).*

*National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).*

*Informatives*

*Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. Note: cleansing agents can negate the effect of petrol interceptors. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.*

*There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater.*

*If contamination is found the developer should address risks to controlled waters from contamination at the site, following the requirements of NPPF and the Environment Agency Guiding Principles*

*for Land Contamination.*

*We recommend that developers should:*

- a. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.*
- b. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.*
- c. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.*

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

*All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day. To achieve level for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances)".*

- **Agricultural Advisor - Raised the following comments:-**

*"It appears that the development would include the conversion of some 12.12 ha (30 acres) of agricultural (arable) land to playing fields (some 8.65 ha), resulting from the need to replace (and extend) the area of existing playing fields that would be lost to housing; the remaining part of the arable land would be used for grazing for the school farm, and thus presumably would still technically remain in agricultural use.*

*At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden, which would not apply in this case.*

*At the National Level, Para. 112 of the NPPF states:*

*112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*

*The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of*

*attention, or noteworthy. The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.*

*Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49 19 December 2012). As indicated above the proposed development here would involve the permanent loss to agriculture of some 8.65 ha (21.4 acres) of agricultural land, comprising an open arable field lying at between 93 m and 97m above sea level in an area broadly indicated as Grade 2 (very good) quality on the 1:250,000 DEFRA land classification map. "Soilscapes" data (Cranfield University) indicates that the soils in the general area are typically free-draining and loamy and with high natural fertility. Some yield limitations can arise, on such soils, from the shortage of soil moisture especially where the soils are more stony or shallow.*

*These are general indications only, but it appears that a more detailed survey of this site was undertaken by MAFF, post 1988, and can be seen on DEFRA's "Magic" website. A copy is attached. This shows most of the 12.12 ha arable land to be Grade 3a (good quality) with the south-eastern corner only being Grade 2. However all the land still falls into the "best and most versatile" category and thus potentially this would be a "significant" development of agricultural land, and subject, in principle, to the above NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference. Whilst the overall balance of benefits, and adverse impacts, is a matter for a Planning judgement, this particular issue does not appear to have been addressed, as far as I can see, in the submitted Planning Statement".*

- **UK Power Networks** - Raised no objections.
- **Natural England** - Raised no objections (Standing advice comments provided).
- **KCC Public Rights of Way** - Comments have been submitted with regard to the impact upon public rights of way together. The comments state that whilst there would be some impact upon the surrounding rights of way, no objections have been raised to the proposal. KCC have then requested contributions to improve the surrounding public rights of way.
- **Environmental Health Officer** - Raised no objections with the following comments but requested a number of conditions as outlined below:-

*"The Desk Study and Ground Investigation at New Line Learning Academy, Boughton Monchelsea Final Report by Hydrock, Ref R/11414/001 and dated January 2012, with attachments has been submitted for consideration. It appears to be thorough and based on the evidence provided and our own in-house sources we have no reason to question the conclusions. Therefore no further contamination related work is required.*

*The planning statement sets out various sustainability measures to be instigated which include plans to install a cycle route, storage facilities for bicycles, a financial incentive to support the purchase of bicycles and the designation of footpaths. We are encouraged by the range of measures proposed and would request that ALL measures are included in the final S106 proposal. The reason for this is highlighted in the travel plan itself which identifies the air quality issue facing the Wheatsheaf junction which is considerable.*

*We would also recommend that all houses with garages have an electric vehicle charging point installed and that where this is not the case, the cabling to enable EV charging points to be installed in the future (at the residence discretion) are laid out. This will enable future occupiers to take up sustainable choices.*

*On average around 70% of the total cost of the installation of a domestic charge unit post building completion are the electrical installation costs. This can be significantly reduced with minimal infrastructure installed at first fix, thus eliminate expensive electrical additions after completion.*

*Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).*

*A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point for future connection to an external charge point*

*The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)*

*If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require an additional earth stake or mat for the EV charging*

*circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.*

*We have some concern about the relocation of the new playing field activities as these could cause disturbance to residential properties. Limitations on the hours of their use are considered helpful to local residents both near to the fields and to the associated parking area. A planning restriction should be applied to prevent the installation of any artificial lighting on site without planning permission.*

*The development will require access by waste vehicles and therefore details of the waste and recycling provision should be provided and approved by Environmental Services*

*This is not an area of air quality concern, and therefore a full Air Quality condition would not be recommended. The issue of cumulative impact is applicable and an air quality emissions condition should be attached to require what measures the developer would be able to put in place to minimise the adverse impact of this development would have on existing development, from an air quality perspective”.*

- **Landscape Officer** - Raises objections with the following comments:-

*“The woodland, known as Five Acre Wood, to the west of the site is protected by TPO No. 17 of 2002. It is also identified as ancient semi-natural woodland in the revision of the Ancient Woodland inventory for Maidstone borough, August 2012.*

*The site of temporary construction access for redevelopment of the New Line Learning Academy is referred to in paragraph 4.3.4 of the submitted planning statement where it suggests that it is acceptable to create a permanent access in the same location because the ‘access point falls at the point where the construction access was created during the development of the New Line Learning Academy. It therefore is a gap in the woodland where trees were already removed and the land/soil disturbed’.*

*I do not consider that this justifies permanent roadway. Considerable care was taken to ensure that the temporary construction access was located in a position that required the removal of the fewest and lowest quality trees; this was prior to the woodland’s allocation as ancient woodland in 2012, which formally recognises its value as an irreplaceable natural resource and its high conservation priority. Furthermore, the temporary roadway was designed and constructed in such a way that damage was minimised, enabling optimum conditions for reinstatement and regeneration. It was conditioned that the area was returned to woodland with suitable replanting to restore connectivity at the earliest opportunity. It is therefore not appropriate to use this area for access in the absence of an overriding justification.*

*I do not consider that the apparent lack of regeneration shown in the submitted images demonstrates anything that makes the proposal*



*acceptable. No dates are given for the pictures, but following the recent visit to the site by one of the Landscape Officers, the area appears to be re-establishing quite successfully and at an expected rate. It is not true that there are currently no trees on the site. The hedgerow on the frontage has been replanted and there are some replacement (planted) trees growing well. I would not expect to see any naturally regenerated trees of any size such a short a time after reinstatement of the land as woodland.*

*Even if, as stated in the letter, the original soil was removed from the site and the reinstatement was carried out with imported soil following excavation of existing, the Council should still have regard for the long term impacts on biodiversity.*

*The proposed access location acts as a buffer and link for the adjacent woodland, even if its value as ancient woodland in itself has been damaged by the creation of the previous temporary access. This function is clearly better achieved if it is regenerating woodland rather than an access road. Even during the regeneration stage, clearings and woodland edges are an important part of woodland ecosystems and contribute significantly to biodiversity. This would certainly be lost if an access is allowed at this point, with the additional and significant detrimental effect of the fragmentation of this small woodland through the creation of a permanent road.*

*In conclusion, I object to this application on arboricultural grounds for reasons as detailed above”.*

- **Housing Officer** - Raises objections with the following comments:-

*“It is being proposed by the developer that 66 of the 220 units will be affordable housing units. In section 8.2.1 of the planning statement it states that, “Following consultation and agreement with Maidstone Borough Council the proposed development provides 66 affordable housing units, 30% of the total housing provision.”*

*Housing have not been involved in any pre-application meetings and as such have not agreed to this reduction in the percentage of affordable housing units proposed by the developer. My colleague Andrew Connors had a phone discussion with the Planning department on 17<sup>th</sup> December 2013 and was informed that the developers were intent on delivering 30% affordable units based on the draft local plan.*

*I am still of the view that the Council’s Affordable Housing DPD should still be adhered to, until such time as the Maidstone Borough Local Plan and policies are actually adopted. The view that the adopted Affordable Housing DPD should be adhered to, with planning applications assessed and determined against this policy, is one that I believe is shared internally with Planning.*

*If they are intent on only delivering 30%, then this will need to be considered against the submission of a viability appraisal which*

*demonstrates that it is only financially viable to deliver 30%. Any such appraisal should take into account offers from RP's for an agreed affordable housing mix & tenure. I would also point out that in terms of contributions, affordable housing is still considered to be top priority.*

*As the Local Plan Policies are not adopted and still subject to consultation, I do not believe they can be considered a material consideration in the determination of this application.*

*Based on the 30% housing provision the current suggested unit split from the developers is as follows:*

|                    |           |            |
|--------------------|-----------|------------|
| <i>1 Bed Flat</i>  | <i>6</i>  | <i>9%</i>  |
| <i>2 Bed Flat</i>  | <i>27</i> | <i>68%</i> |
| <i>2 Bed FOG</i>   | <i>4</i>  |            |
| <i>2 Bed House</i> | <i>14</i> |            |
| <i>3 Bed House</i> | <i>15</i> | <i>23%</i> |
| <i>Total</i>       | <i>66</i> |            |

*Section 8.2.2 of the planning statement states, "...that the range of affordable units coming forward will be based on the Council's assessment of local housing need. The proposed scheme provides a range of affordable units...which would appeal to both families and potential single occupants."*

*At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix.*

*Based on a 65% affordable rent and 35% shared ownership tenure split (as recommended in the recently published Strategic Housing Market Assessment), the percentages above and the proposed 66 units we would be looking for the affordable housing provision to be somewhere closer to the following:*

| <i>Size</i>      | <i>Total Units</i> | <i>Rental</i> | <i>Shared Ownership</i> |
|------------------|--------------------|---------------|-------------------------|
| <i>1 Bedroom</i> | <i>14</i>          | <i>9</i>      | <i>23</i>               |
| <i>2 Bedroom</i> | <i>11</i>          | <i>9</i>      | <i>20</i>               |
| <i>3 Bedroom</i> | <i>12</i>          | <i>4</i>      | <i>16</i>               |
| <i>4 Bedroom</i> | <i>7</i>           | <i>0</i>      | <i>7</i>                |
| <i>Total</i>     | <i>44</i>          | <i>22</i>     | <i>66</i>               |

*Please note, there is currently no identified need for 4 bedroom, shared ownership units.*

| <i>Size</i>      | <i>Total Units</i> | <i>Rental</i> | <i>Shared Ownership</i> |
|------------------|--------------------|---------------|-------------------------|
| <i>1 Bedroom</i> | <i>19</i>          | <i>12</i>     | <i>31</i>               |
| <i>2 Bedroom</i> | <i>14</i>          | <i>12</i>     | <i>26</i>               |
| <i>3 Bedroom</i> | <i>16</i>          | <i>6</i>      | <i>22</i>               |
| <i>4 Bedroom</i> | <i>9</i>           | <i>0</i>      | <i>9</i>                |
| <i>Total</i>     | <i>58</i>          | <i>30</i>     | <i>88</i>               |

*we would be looking to increase the number of 1 bed units and decrease the amount of 2 bed units. We would also like to see some provision for 4 bed affordable housing as there are 53 4 bed houses*

*currently being proposed, none of which are being offered for affordable housing.*

*The suggested site layout highlights 3 separate areas for the affordable housing units and this is welcomed.*

*Finally I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision”.*

- **KCC Ecology** - Raises objections but has suggested a number of conditions should a grant of permission be recommended:-

*“The Ecological Assessment report has been submitted in support of this application.*

*The potential for ecological impacts arising as a result of the proposed development has been identified and mitigation recommendations are provided in the report. We advise that further information is required to inform the determination of the application. The application will result in the permanent loss and bisection of ancient woodland. This has not been acknowledged within the report which states “the area of ancient woodland within the site is to be retained under the proposals and as such will not be directly affected”.*

*As stated in the Design and Access Statement, the ‘gap’ through which the primary access to the development is proposed was “a temporary access created for construction traffic for the building of the New Line Learning Academy”. The reinstatement of the woodland was required as a planning condition for that development. As a result of the loss of ancient woodland, we advise that this application must address the*

*'needs' test within the National Planning Policy Framework: "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland...unless the need for, and benefits of, the development in that location clearly outweigh the loss".*

*We would expect this to include consideration of alternative locations at which to create the primary site access. Additional potential impacts to the ancient woodland have also been identified. Measures to prevent dust deposition and damage to the trees during construction are recommended. We advise that these will form part of the Construction Environmental Management Plan which can be secured as a condition of planning, if permission is granted.*

*In addition, the potential for lighting impacts on the woodland are highlighted and recommendations for sensitive lighting are provided. A lighting strategy that is designed to minimise potential ecological impacts should be secured as a condition of planning, if permission is granted. There is limited detail regarding the potential for impacts to the ancient woodland as a result of increased public access; the report refers to the "potential long term effects associated with adjacent residential curtilages" and fails to recognise that the 15 metre ancient woodland buffer referred to in the Natural England Standing Advice for Ancient Woodland is an example of best practice, and not 'guidance'. While it may be that a 15 metre buffer is appropriate, there is no discussion of the site specifics and the relevance of the proposed buffer to the potential impacts that may arise.*

*We are also disappointed to note the inclusion of a footpath within the proposed buffer area; this suggests a lack of understanding of its purpose and could result in the deterioration of the ancient woodland. We recommend that the footpath is removed from the buffer and treatment details are provided to show that the buffer will reduce the potential for public access to the ancient woodland; we do not agree that "flower-rich grassland" is appropriate. Trees with potential for roosting bats have been identified on the site yet no bat surveys have been undertaken. We do not consider it adequate to rely on further surveys only if the trees with 'category 1' bat potential are to be removed. If bats are using the retained trees for roosting, the proposed development will significantly alter the environment within which they are situated, potentially resulting in disturbance offences under the Conservation of Habitats and Species Regulations 2010 (as amended), particularly where the retained trees have been encircled by built development with no consideration of the retention of dark corridors to facilitate movement by bats.*

*As a minimum, emergence and activity surveys for bats at the site are required to inform the determination. We also advise that the scheme must incorporate dark corridors along which bats will be able to travel. A badger sett was identified on the eastern boundary of the site. The sett was active during the 2011 survey but was inactive during the 2013 site visit. There is limited information provided regarding the*

*treatment of the eastern field and we are satisfied that the proposed mitigation will minimise the potential for any offences. We also advise that updating badger surveys should be carried out prior to construction commencing to monitor badger presence, particularly as a badger sett was previously identified (in relation to the New Line Academy construction) within the northern part of the ancient woodland on the site. The badger mitigation should be secured as a condition of planning, if permission is granted. Mitigation recommendations for the potential for impacts to hedgehogs are provided. We advise that these recommendations should also be included within the mitigation strategy and secured by planning condition, if permission is granted. Insufficient detail regarding the reptile survey has been provided to enable us to adequately scrutinise the results and conclusions. We advise that the following details are sought: The date at which the refugia were set out; Times of the survey visits; The ecologist(s) that undertook the surveys, showing that they were appropriately experienced;*

*A readable version of Plan 2600/ECO4 that shows the positioning of the survey tiles and the locations at which the reptiles were recorded. We disagree that the reptile survey timing was 'optimal'; most of the survey visits were undertaken during the suboptimal month of August and during the majority of the survey visits the temperature was at the upper end of the ideal survey conditions. We also note that the survey is 2.5 years old (with the apparent exception of one 2013 visit) and advise that additional survey work may be required to ensure that the proposed mitigation is appropriate, particularly as the one 2013 visit recorded the second highest slow-worm count. This might not have significantly affected the survey results but we expect a comprehensive survey report to acknowledge the potential constraints to the survey and provide explanation as to why the results do still present a reasonable indication of the reptile population(s) present (if this is the opinion of the ecologist). We also consider 7 visits to be the minimum that should be undertaken for a reptile survey, in accordance with the Natural England Standing Advice; though given the limited extent of suitable habitat on the proposed development site, we advise that the number of visits is likely to be acceptable (assuming that the above information is provided to our satisfaction).*

*Generic mitigation recommendations for potential impacts to reptiles are provided (paragraphs 6.7.12-13) These may be acceptable in principle, but we advise that clarification of some points is sought. In particular, given that the southern section of the eastern field will be sports pitches (apparently of amenity grassland, though there is scant detail about this), and the northern section of the eastern field "will be set aside as an informal natural recreation area" (Design and Access Statement) (the details of which are even fewer), we query whether it would be possible to retain all of the existing reptile habitat within the eastern field. Given that it is proposed to security fence the sports pitches, we query whether the area between the retained hedge/tree lines and the proposed fence could be used to create and maintain*

*reptile habitat. Recommendations to minimise the potential for offences against wild birds and their nests and eggs are also provided.*

*We advise that clarification is sought regarding the proposals for the eastern field. It is unclear whether all of the boundary vegetation will be retained and we have not been able to identify any information regarding the 'informal natural recreation area'. One of the principles of the National Planning Policy Framework is that*

*"opportunities to incorporate biodiversity in and around developments should be encouraged".*

*Recommendations are provided within the report and we advise that these are appropriate. There could also be opportunities to seek ecological enhancements within the 'informal natural recreation area' and around the edges of the proposed sports pitch field. A detailed strategy for the ecological enhancement of the site should be secured by planning condition, if permission is granted.*

*Where we have advised the use of planning conditions, we would be happy to suggest appropriate wording that accords with the British Standard Biodiversity – Code of Practice for Planning and Development".*

- **KCC Highways** - Raises no objections with the following comments:-

*"The physical layout of the housing site access onto Boughton Lane appears to follow the appropriate design guidance in terms of its visibility, utilising the former construction access for the Academy. A secondary access point is shown further south on Boughton Lane, which also has visibility in compliance with the Manual for Streets. The parking provision appears appropriate, and has been approved by Maidstone Borough Council. This site is on the edge of the urban area. There are education and shopping facilities relatively close, so It is important that the proposal includes a connection for pedestrians to the existing footway at the Academy entrance to the north, and also to the footpaths through the housing area on the western side of Boughton Lane to Norrington Road and out to Loose Road.*

*A cycle route is proposed to connect to the Academy entrance. Cyclists could then follow a route northwards via Pheasant Lane to cross the A274 and head for the town centre on residential roads east of the A229 Loose Road (and north of The Wheatsheaf) My main concern lies with the assessment of the impact of the additional traffic at the A229 Loose Road/Boughton Lane/Cripple Street junction. The Transport Assessment suggests that the traffic coming and going from the site would be split 73% to the north and 27% to the south. My expectation is that a much higher proportion would be heading to and from the Loose Road junction, as the route to the south towards Boughton Monchelsea is narrow and tortuous. This is particularly relevant to the peak hours flows. In the morning, the majority of the journeys are*

*likely to be work and school related, while in the evening there will be a combination of returning work, leisure, and shopping trips.*

*The assessment of the A229 junction therefore becomes more critical, as the junction already experiences congestion at busy times for both main road and side road traffic. The traffic signals were introduced in association with applications for the New Line Academy and redevelopment of part of the Y Centre site in Melrose Close off Cripple Street to manage the competing flows, so that the side road traffic had more chance to pull out onto the A229, This has caused additional delays on the A229, although this is partly offset in the morning peak by the more managed feed of inbound traffic to the A229/A274 junction at The Wheatsheaf. Further traffic would add to this congestion, and would come on top of that from the permitted primary school at the Academy site. My expectation is that the Transport Assessment, although it looks to encourage walking and cycling (including pedestrian access to the frequent bus services on Loose Road) understates this impact that the Loose Road/Boughton Lane/Cripple Street junction will suffer. The issue is then whether the additional level of congestion would be acceptable to us as the highway authority, set in the context of our great concern about the difficulty in creating an overall transport strategy for all of Maidstone in the light of long term future development envisaged in the emerging Local Plan.*

*If we were to regard, as a worst case scenario, all the traffic likely to be generated by the housing development as having to pass through the Loose Road/Boughton Lane/Cripple Street junction, it would amount to approximately 100 vehicles in the morning peak and 120 vehicles in the evening. On an incremental basis, this would be a substantial increase in flows on Boughton Lane - over 30% in the morning (measured against the October 2011 flows in Table 6.2 of the TA) and approaching 50% in the evening. Inevitably this would cause additional delay for drivers coming in and out of Boughton Lane. In practical terms, we would still manage the junction to protect the capacity of the A229 as far as possible, so we are unlikely to consider adding more time to the Boughton Lane arm of the junction. The scope to make improvements to the junction to increase its capacity has also been the subject of discussions with another developer in association with a potential housing site west of Loose Road on Cripple Street.*

*This has led to a proposal by our consultancy partner Amey that a short commission, to be jointly funded by the two developments, could be carried out to assess how far the exiting capacity could be enhanced. The total cost of such a commission would be some £5,000, so we would seek a contribution from the Boughton Lane development of £2,500. We recognise that any achievable capacity improvements are likely to be helpful but minor in nature. Should the application be granted, it would cause more delay for existing local residents and parents taking children to and from the Academy and permitted primary school. KCC Highways & Transportation recognises that there*

*will be a cumulative impact of any additional traffic in an already congested area. We would wish to maintain a consistent position at this stage, prior to the adoption of the Borough Council's Local Plan and the eventual emergence of an agreed Integrated Transport Strategy, with our views on other applications on the A229/A274 corridor south of the town centre. In particular, we have sought contributions of £3,000 per dwelling from the housing sites on Sutton Road towards strategic transport improvements, and would make the same request from this development.*

*I would therefore like to make no objection to the application, subject to the following financial issues :-*

*1) A S106 contribution of £3,000 per dwelling is sought towards future strategic transport improvements.*

*2) A £2,500 contribution is sought towards a commission to assess options for capacity improvements at the A229/Boughton Lane/Cripple Street junction.*

*3) A sum of £3,000 is paid to KCC to pursue the extension of the 30 mph on Boughton Lane south to cover to site access.*

*And that the following conditions are attached to permission, if granted :-*

*a) A shared use pedestrian cycle route, as described in the Transport Assessment, is constructed from the site access north to the Academy site entrance.*

*b) Pedestrian links are made from the site to existing public footpaths.*

*c) Appropriate wheel washing facilities are used during construction to prevent mud and debris being deposited on the highway.*

*d) A Travel Pan for the site is implemented and monitored according to the proposed Framework could you also please add the KCC Transportation & Development Standard.*

*INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site".*

- **Parks and Open Spaces** - Raised no objections and requested contributions towards of site provision with the following comments:-



*"The development does not appear to provide any substantial on-site open space. Whilst it is acknowledged that New Line Learning Academy will benefit from a large area of playing fields it is noted that this area will be fenced off and will therefore not be available for public use nor publicly accessible.*

*As such we feel that surrounding open spaces –play areas, outdoor sports facilities etc will end up seeing a rise in use as residents of the development seek to make use of existing facilities. The development site is located at an area where numerous ward boundaries are nearby. South Ward, Parkwood, Boughton Monchelsea and Chart Sutton, Shepway North, Shepway South and Loose are all relatively close to the development.*

*Sites such as Mangravet Recreation Ground (100m), Parkwood Recreation Ground(1.4km), King George V Playing Fields (450m), Shepway Green (1km) and South Park (1.3km). It would be reasonable to expect that these sites – particularly those at Mangravet and King George V Playing Fields are likely to see an increase in usage by residents of this development which in turn will result in a quicker deterioration of the facilities*

*We would request that an offsite contribution be made towards both these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.*

*Due to there being little on-site provision proposed other than required buffer zones we would request a contribution of £1575 per dwelling.*

*We would in this instance seek to request a contribution of £1575 per dwelling x 220 = £346500*

*As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used particularly at Mangravet Recreation Ground, King George V Playing Fields and other facilities within a one mile radius".*

- **NHS PCT** - Raises no objections and requested contributions in the following comments:-

*"NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS West Kent had historically worked with Maidstone Borough Council our approach is the same in securing Section 106 (s106) healthcare contributions and in working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population.*

*NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Maidstone Borough Council development plans.*

*Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.*

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

- *Grove Park surgery*
- *Boughton Lane surgery (branch to Mote MP)*
- *Mote Medical Practice*
- *Shepway (10a Northumberland Court) Medical centre*
- *Wallis Avenue surgery*

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

*NHS Property Services Ltd will continue using the NHS West Kent formulae for calculating s106 contributions which have been used for some time as we believe these are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are for affordable/social housing, as identified in the proposal letter.*

*The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.*

*Predicted Occupancy rates*

|                   |                      |
|-------------------|----------------------|
| <i>1 bed unit</i> | <i>@ 1.4 persons</i> |
| <i>2 bed unit</i> | <i>@ 2 persons</i>   |
| <i>3 bed unit</i> | <i>@ 2.8 persons</i> |
| <i>4 bed unit</i> | <i>@ 3.5 persons</i> |
| <i>5 bed unit</i> | <i>@ 4.8 persons</i> |

*For this particular application the contribution has been calculated as such;*

- 17 x 2 (2 bed dwelling) = 34
- 78 x 2.8 (3 bed dwelling) = 218.4
- 59 x 3.5 (4 bed dwelling) = 206.5
- 154 total market dwelling = 458.9 total assumed occupancy
- 458.9 x £360 = £165,204 healthcare request

*Social dwellings excluded from this application = 66 dwellings with an assumed occupancy is 140 persons.*

*NHS Property Services Ltd therefore seeks a contribution of £165,204, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services”.*

- **KCC Education** - Raises no objections and requested the following contributions:-

*“ The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.*

*The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:*

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

*These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).*

| <b>Request Summary Per 'Applicable' Flat (x37)</b>     | <b>Per 'Applicable' House (x177)</b> | <b>Total</b> |
|--------------------------------------------------------|--------------------------------------|--------------|
| <i>Primary Education (new build construction cost)</i> | £1000                                | £4000        |
|                                                        |                                      | £745,000.00  |

|                            |         |              |             |
|----------------------------|---------|--------------|-------------|
| Primary Education (Land)   | £675.41 | £2701.63     | £503,178.68 |
| Secondary Education        | £589.95 | £2359.80     | £439,512.75 |
| <b>Per Dwelling (x220)</b> |         | <b>Total</b> |             |
| Community Learning         | £30.70  |              | £6753.28    |
| Youth Service              | £8.44   |              | £1857.30    |
| Libraries                  | £183.14 |              | £40,289.84  |
| Adult Social Care          | £47.44  |              | £10,436.80  |

*Please note that these figures are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, and build costs. KCC recently reviewed new Primary School build costs, and the above figures reflect the newly adopted school build cost. 'Applicable' meaning: excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation.*

#### *Primary Education*

*The proposal gives rise to 52 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new Primary School in South East Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded (Appendix 1).*

*This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.*

*The County Council requires a financial contribution towards construction of the new school at £1000 per 'applicable' flat & £4000 for each 'applicable' house ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA -please confirm the 6 x 1 bed flats proposed are below this threshold?).*

*The County Council also requires proportionate contributions towards the Primary School land acquisition cost at £675.41 per 'applicable' flat & £2701.63 per applicable house.*

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

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

*KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2012-17 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, May 2012.*

#### *Secondary School Provision*

*The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1 A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.*

*The proposal is projected to give rise to 37 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.*

*Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme. The new secondary school accommodation will be provided in Maidstone through extensions and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.*

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

#### *Community Learning*

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

*The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development. The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan*

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

#### *Youth Services*

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

*Forecasts (Appendix 2) indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area. The County Council therefore requests £8.44 per household.*

#### *Libraries and Archives*

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

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

*The County Council therefore requests £183.14 per household to address the direct impact of this development.*

#### *Adult Social Care*

*Facilities for Kent Family & Social Care (FSC) (older people, and adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which FSC are under a statutory obligation to meet but will have no additional funding to do so. The proportionate cost of providing additional services for this proposed development is set out in Appendix 3.*

*The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development".*

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 The application comprises of the following documents together with associated scaled plans.

- Planning Statement
- Affordable Housing and Contributions Statement

- Design and Access Statement
- Statement of Community Involvement
- Code Level 4: Analysis of cost uplift and proposed alternative strategy
- Transport Assessment and Travel Plan
- Utilities Appraisal including Appendices 1-7
- Extended Phase 1 Habitat Survey and Bat Building Survey Report
- Archaeological desk based assessment
- Method statement for a Magnetometer survey
- Detailed Magnetometer survey
- Arboricultural report and tree survey
- Flood risk assessment and drainage strategy
- Desk study and ground investigation

## **8.0 CONSIDERATIONS**

### **Principle of Development**

- 8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Maidstone Borough Wide Local Plan 2000 shows the site of the residential development (existing playing fields) located inside the defined urban area. Whilst it does not include any built form, this land falls within the legal definition of Previously Developed Land. As such, the principle of residential development on this land is not contrary to the Local Plan. The remaining agricultural land forming part of this site is outside of the urban boundary and policies ENV28 and ENV32 of the Local Plan are therefore applicable. In the case of ENV28, criterion 4 of this policy allows for development within this countryside which is:-

*'The provision of public or institutional uses for which a rural location is justified'.*

- 8.02 This land would be subject to the provision of new playing fields for a state school and therefore this is a public use. A rural location is justified in this case, by virtue of the development of the existing playing fields and the need to provide replacement facilities within close proximity of the school. Policy ENV32 also applies and concerns protecting this area from and villages to the south coalescing with the urban area. The fact that this land is a strip between two sections of the urban area means that its development to new playing fields would not create a coalescing effect upon the area to the south. I therefore consider that this development would not be contrary to the Development Plan in principle.
- 8.03 The principle of development on this site has also been broadly outlined within draft Local Plan of 2013. However, the Maidstone Borough Local Plan is a Regulation 18 Consultation (2014) only and therefore holds limited weight. Policy H1 (23) of this plan states that: -

**H1(23) - New Line Learning, Boughton Lane, Maidstone**

**New Line Learning development criteria**

Planning permission will be granted if the following criteria are met:

**Design and layout**

1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
2. The existing hedgerow and trees on the southern boundary of the site will be retained and enhanced with structural landscaping where necessary, to provide screening from the open countryside.

**Access**

3. Access will be taken from Boughton Lane only.
4. Pedestrian and cycle access will be made to footpath KB26 on the eastern boundary of the site.
5. Pedestrian and cycle access will be made to footpath KM98 on the southern boundary of the site.

**Ecology**

6. Provision of a 15 metres wide landscape buffer along the western boundary of the site adjacent to the designated area of ancient woodland (Five Acre Wood), to be planted as per recommendations detailed in a landscape survey.
7. Subject to further evaluation of their value, trees subject to a (woodland) tree preservation order will be retained, as per advice from the Borough Council.

**Air quality**

8. Appropriate air quality mitigation measures will be implemented as part of the development.

**Open space**

9. Replacement sports facilities will be provided, as agreed by the Borough Council, before development of this site commences.
10. Provision of publicly accessible open space as proven necessary, and/or contributions.

**Community infrastructure**

11. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

**Highways**

12. Appropriate improvements to Boughton Lane, as proven necessary.
13. Appropriate improvements to the junction of Boughton Lane and A229 Loose Road, as proven necessary.

Net area 6.3 (ha)

Gross 6.3 area (ha)

Approximate 220 net capacity

Approximate 35 density (dpha)

- 8.04 This proposal is in accordance with this draft policy with regard to the number of dwellings proposed together with the access arrangements. The other elements of the draft policy will be assessed within the considerations as below. Whilst this plan holds limited weight by virtue of its emerging status, it is a material consideration in the determination of this planning application and therefore will be treated as such.

**5 Year Housing Supply**



8.05 The matter of the 5 year supply and whether the council currently is meeting its need is an important material consideration in the determination of this application.

8.06 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;'*

8.07 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.'*

8.08 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

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

8.09 A recent Court of Appeal case has clarified that the housing requirement to address when considering the 5 year housing land supply in paragraph 47 of the NPPF is the full objectively assessed housing need. That figure for housing need should be an unconstrained figure i.e. a figure that has not yet been reduced by applying constraints from other policies in the emerging Local Plan. It is an unvarnished household projection figure. Consequently, the housing target figure from the Regional Spatial Strategy (South East Plan) is not the correct figure to use when calculating the 5 year housing land supply as it is a constrained figure.

- 8.10 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has undertaken this process with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA identifies the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.
- 8.11 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will 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. This work is currently ongoing to evaluate and identify suitable land within the Borough.
- 8.12 The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27<sup>th</sup> January 2014 and on 24<sup>th</sup> February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 8.13 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date (A total of **535** dwellings (net) have been granted between 1 April 2013 and 31 March 2014) this position will not have changed significantly and would still remain below the 5 year target.
- 8.14 This lack of a five year supply is a significant factor and within paragraph 49 of the NPPF, it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development. In this case, the application site for residential development is located within the urban boundary and within a sustainable location allowing connection existing public transport links, footpaths and highway network (The connectivity of these issues is discussed later in the report). I therefore consider the presumption in favour means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. Therefore, there is a need to see if there are any significant adverse impacts.
- 8.15 The specific issues relative to this proposal will be assessed within the sections below, but in light of the current situation on housing land supply as discussed, and the fact that the site is within a sustainable location with the residential development inside the urban area, it is my view that the principle for development is acceptable on this site.

## **Visual Impact**

- 8.16 This application site is of a significant scale and comprises a large site, partly previously developed in use, but not including any built development and as such appears visually greenfield. There would therefore be some visual harm as a result of this development. However, this would need to be balanced with the benefits of the scheme and how the proposed design and layout approach reflects that of the surrounding area.
- 8.17 The NPPF section 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context. Using these principles set out in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, in a manner sensitive to the wider local environment.
- 8.18 The proposed residential layout sits within the existing well defined landscape boundaries and respects the existing trees and landscaping to the southern, eastern and western boundaries. This is an important element to this scheme by virtue of its semi rural nature and siting. There clearly will be some visual harm by virtue of the introduction of new built development, although, I am of the view that this residential development would be viewed in the context of the residential area to the west and would be of an in keeping shape and urban form. Furthermore, the retained landscape screen to the boundaries of the playing field would assist in reducing the visual impact of a development linking it to the character of the surrounding area as well as more obviously providing a natural and established screen to the development. The proposed playing fields to the western part of the site would clearly have some visual impact through the introduction of an urban use, however, again this is mitigated to some degree as the existing field landscaping to this field would also be retained.
- 8.19 The residential site is significantly screened to the west by virtue of the existing woodland. Aside from the access, the development would have little visual presence from this direction. However, clear views of the development would be possible from Boughton Lane as it extends to the south as well as from the agricultural fields also in this direction. The proposed playing fields would be less visible from Boughton Lane by virtue of the direction of the road, although visual harm would be caused with views clearly possible from the agricultural fields extending to the south. Significant and clear views would also be possible from the surrounding Public Rights of Way. Although, by virtue of the level topography of the

site and the close proximity of the footpaths to the development, it would be difficult to mitigate this visual impact further.

- 8.20 Overall, it is considered that whilst the site would be visible, the scheme does respond to the local landscape character which surrounds it and includes this landscaping to assist in forming the development in to this character. It is acknowledged there would be some visual harm, although as discussed above, this is unavoidable due to the lack of built development and loss of agricultural land.

### **Layout and Design**

- 8.21 The scheme has been designed to best utilise the site in terms of its housing yield whilst also incorporating good design principles. The ability of the scheme to respond to the local context is key, which in this case includes significant and established landscaping, semi rural/edge of urban character and with defined site boundaries. Significant pre-application discussions have taken place with the applicant and agent to arrive at the proposal in front of Members.
- 8.22 The design approach for the scheme is traditional and has been designed to include high quality dwellings and linking spaces together with the existing urban edge of south Maidstone to provide an inclusive, safe and accessible development. The proposed urban grain and pattern of development is largely inward looking to respond to and respect the existing landscaping and defined boundaries with the development, which consists of a loose perimeter block pattern. This layout optimises the use of the site in a manner that creates a sense of place, encourages permeability, and clearly defines public and private spaces.
- 8.23 The layout is based along a main spine road which runs centrally through the development in an arched form linking the western and southern boundary accesses. This is a tree lined 'Avenue' style route emphasising the entrance points as well as drawing the eye to a central open space. A secondary route branches from this servicing the eastern side of the development with narrower roads denoting more private and quieter spaces. Elements of the Kent Design Guide have been incorporated in the vision for this development in the spread of development through the site, the defined main routes through the scheme and how this interacts with other spaces.
- 8.24 The development includes a mix of dwellings comprising semi detached, detached and small terraced blocks generally of 2 to 2½ stories. Units are also provided within apartment blocks. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages. The agent has also completed and submitted as part of the Design and Access Statement, a 'Building For Life' assessment which they have carried out against the proposed scheme. The conclusion of this shows the development achieving a green for good rating in the three tiered marking system. This shows the applicants/agents have made

efforts to enhance and where possible improve the design and overall character of the development. 'Building For Life' is a design tool created by Design South East which is also used by officers to assist in assessing proposed schemes and supports the design approach which underpins this development.

- 8.25 Overall, I do consider the layout submitted to be of a high quality; with the character areas and the road hierarchy following the principles of good urban design.

### **Loss of agricultural land**

- 8.26 As detailed above within section 1, part of the application site is currently agricultural land being the eastern half of the site. Currently, this land is in arable use and is farmed in association with the surrounding agricultural fields associated with a farm. The proposal would see approximately 8.65 ha of the land used for playing fields for the neighbouring school with the remainder of the field to the north left undeveloped as outlined within section 2 above. In terms of government guidance, the NPPF states that:-

*"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".*

- 8.27 The Council's agricultural advisor has been consulted in relation to loss of this arable land and has provided the advice as set out within section 7 above. This response details that the land is largely graded as class 3a agricultural land in terms of its agricultural value with the south eastern corner of grade 2. Both levels fall within the bracket of 'best and most versatile'. It is then a case of balancing the applicable issues of housing land supply together with the retention of agricultural land in line with the NPPF.
- 8.28 In my view, the location of the land is key to this. It is located on the border of the urban boundary and comprises a strip of land protruding north from the remaining agricultural fields to the south with school playing fields to the west and Kent Police sports ground to the east. It would be desirable to retain this land for use as agriculture, however, replacement sports facilities are required (inline with policy ENV23) with the development of the existing school playing fields. As discussed, the existing playing fields would be appropriate for residential development and therefore replacement facilities are required in a suitable distance to the school for which this land is appropriate. The grading of the land shows that it is of good agricultural value, although this holds weight in line with the NPPF, in this case I attach more weight to the lack of a 5 year housing land supply and the location of the application site, as a whole, on the boundary of the urban area which is appropriate for housing development. As such, in the balance of issues in relation to the loss of

agricultural land, in this case, the grading of the land at 3a does not outweigh the creation of new sustainable housing.

- 8.29 It is also important to note that the northern section of this agricultural field would remain undeveloped and therefore could be used for agriculture in the future. Whilst the remainder of the land would be laid to grass for the sports pitches this in itself would not sterilise the land and the ground would remain of good quality. However, I acknowledge that this land would not reasonably be used for agriculture again without the provision of alternative sports facilities elsewhere.

### **Provision of New Sports Facilities**

- 8.30 As stated within the proposal section of this report, this development would involve the creation of new playing fields for the New Line Learning school. This would be located within an existing agricultural field located to the east of the proposed housing site and would mitigate the loss of the existing playing fields subject to the proposed housing scheme. Sport England have been consulted on this element of the proposal and have raised no objections overall. Of key importance here was the fact that the school facilities would be retained with the creation of additional land together with enhanced pitches of greater number and covering a larger area (approximately an increase of 30%).
- 8.31 Although the playing fields are primarily for the use of the school for learning and recreational purposes, the school does undertake community events and activities allowing the surrounding community as a whole to benefit from the improved facilities. As such, I consider the replacement sports field would improve sporting facilities for the school and suitable conditions will be imposed (as requested by Sport England) to ensure facilities are provided prior to the development.

### **Car Parking/Permeability**

- 8.32 The street hierarchy has been influenced by the design approach to create a central spine road through the site with secondary routes and more private spaces of a narrower width. This distinction is further defined with the use of different treatment to road surfaces. This road structure is legible, and has good linkages between spaces for pedestrians and cyclists with attractive, safe and overlooked areas of open space all within walking distance of the housing.
- 8.33 Public bus routes already exist along Loose Road and pedestrian access is provided within the scheme to allow suitable access to an existing footpath to the south western corner of the development. Footpaths along the southern and western boundaries ensure ease of route finding to exit the site as well as three entrances to the footpath adjacent to the eastern boundary. A footpath is also included within the western access to provide easy pedestrian access to the north along Boughton Lane, New Line Learning School and other routes to the town centre.

- 8.34 Car parking is planned at a level which I consider to be appropriate for a development of this scale and location. This would comprise two spaces on plots for the 3, 4 and 5 bedroom dwellings with 1 space provided for the smaller homes including the affordable units although 3 bed affordable units would have 2 spaces. Where parking is not on-plot, it is generally provided with parking courts to the rear of dwellings and bays built in to the streetscene. Visitor parking is provided within allocated areas within the streetscene at a general ratio of 0.2 spaces per unit. Overall, I consider the level of parking to be acceptable within this scheme.

### **Housing density**

- 8.35 The Kent Design Guide (2005) in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. The proposed scheme includes 220 dwellings constituting a density of 40dph which is in line with this Kent Design Guide guidance.
- 8.36 Whilst the Council's emerging policies on the strategic allocations indicate a density on this site of approximately 35 dph, to my mind, the density of the development should reflect the urban fringe nature of the site whilst not compromising the context of the site or its established key elements, which in this case constitute its significant landscaped nature. The surrounding urban areas are of a lower density, although a newer development to the east of Pickering Street shows a higher density. It should also be noted that the draft Local Plan policy outlines a capacity of 220 dwellings on this site. I am of the view that this density accommodates this context and is appropriate for this site and location.
- 8.37 The site layout plan shows a good level of internal open space, as well as a soft buffer to its edge. This is aided by the level of landscaping provision around the application, but nonetheless, I am of the view that the internal layout would not appear as cramped, or overdeveloped.

### **Appearance and detailing**

- 8.38 The house types applied throughout the scheme are of a traditional overall form, with simple yet standard detailing to create modern and functional dwellings. The dwellings are appropriate in scale with a mix of 2 and 2½ story buildings creating difference in the streetscene and with the larger dwellings in prominent and key spaces. Again, this creates a number of focal points in the street and creates additional layers of interest. Additional scale is provided with the 3 story apartment blocks located at three points in the scheme.
- 8.39 The materials proposed include a varied palette which includes both tiles and slate for the roofs. Elevations are generally finished in brick, although render, tile hanging and weatherboarding are also used to create additional texture and interest within the streetscene. Through discussions with the applicant, chimneys have been added to key buildings and certain

house types to enhance to articulation within the roof slope and again add a further level of interest within the scheme. Alterations have also been made to remove rooflights and alter front dormer windows to applicable house types, again to improve the appearance of the development.

- 8.40 I consider that there to be a good level of detailing provided with a variety of roof forms and pitch heights. This provides interest and variety within the development, and also introduces a more varied roofscape.

### **Affordable Housing**

- 8.41 The proposed scheme involves the provision of 30% affordable housing provided in three sections within the development. Each section comprises apartment blocks including one and two bedroomed units with two and three bedroom houses also included. There would therefore be 66 affordable units provided within this scheme.

- 8.42 In terms of policy, the adopted affordable housing DPD states that the council should seek to negotiate 40% affordable housing on sites of this scale. This policy remains current; however, the council has an emerging policy (CS9) within the draft Local Plan which does request 30% affordable housing provision. This draft policy is based on housing assessment commissioned by the Council to assess the Viability of the emerging Local Plan within Maidstone Borough (carried out by Peter Brett Associates). Whilst this assessment is based on up to date data and methodology as opposed to the current DPD which is older, the findings of this report remains general to the Borough and is not site specific. The agent has used this recent assessment to underpin their proposal to provide 30% affordable housing without a viability report and whilst it is acknowledged that this assessment does use more up to date methodology, the Affordable Housing DPD 2006 remains the adopted policy.

- 8.43 However, there is a good housing mix within this scheme on a site suitable for residential development and in the balance of issues relative to this particular case, I do not a 30% provision would warrant the development unacceptable alone.

### **Residential Amenity**

- 8.44 With regards to the residential amenity, by virtue of the position of the residential development on existing school playing fields, the position and scale of the dwellings would not lead to any significant neighbouring amenity issues of light, privacy, outlook or overshadowing. This is further supported by the existing landscaping to the boundaries of the site which would forms a significant screen to the development.

- 8.45 The proposed playing fields would be adjacent to dwellings within the Mangravet area to the West, although the significant landscaped boundary



here would be maintained and I do not consider such a use would cause significant harm to neighbouring amenity in noise or disturbance. In terms of noise and disturbance for future occupiers of the development, as discussed the site would lie adjacent to existing schools. These are however, existing uses that any future occupiers would be well aware of prior to purchasing properties. In addition, there is a sufficient separation between the school premises and the new dwellings/playing fields, although a suitable condition shall be imposed to secure hours of use in accordance with the comments of the Environmental Health Officer. Details of refuse storage and lighting will also be required to ensure no harm to amenity.

- 8.46 The layout of the proposed scheme would create a sufficient level of amenity for any future occupiers of the development.

### **Highways**

- 8.47 Two vehicular access points are included within the site with one to the western boundary and a second to the southern boundary. These would be positioned at either end of the central spine road and therefore would comprise efficient entrances/exits to the development. Both would front Boughton Lane allowing traffic to travel both north towards the Loose Road junction and south towards Boughton Monchelsea. The submitted transport assessment discusses that the development of the site at this level of dwellings would generate some 90vph additional AM peak traffic movements with 120vph at PM peak hours. Using distribution methodology, it is discussed that approximately 73% of this traffic would utilise the north route along Boughton Lane to Loose Road, whilst the remaining 27% would travel south on Boughton Lane towards Boughton Monchelsea. The conclusion of this report is that this traffic generation could be catered for on Boughton Lane and would not materially affect traffic conditions at the Boughton Lane/Loose Road junction.
- 8.48 KCC Highways have been consulted on this scheme to assess the highways and traffic impact of the development. Generally, KCC Highways find the site access, road layout and parking arrangements to be acceptable. The NPPF states within section 32 that '*Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe*'. KCC have not stated that the impact would be severe in this case, however, they have raised concerns regarding the likely traffic split of 73% and 27% in the routes taken. KCC Highways suggest that there is likely to be a much higher proportion of traffic using the Boughton Lane/ Loose Road junction due to the narrow and more tortuous nature of Boughton Lane as it extends south and therefore the pressure on the Boughton Lane/Loose Road junction is likely to be higher. KCC go on to describe a 'worst case' scenario in the traffic generation to this junction and that this would cause additional delays in the traffic flow.
- 8.49 However, KCC do state that improvement works to reduce this delay and mitigate the impact can be accommodated within this junction and have then requested contributions towards a commission to assess options for

capacity improvements at the A229/Boughton Lane/Cripple Street junction. At this current time, KCC Highways do not have a Strategic Highways Strategy and therefore there is no strategic study of what could be accommodated at this junction. Whilst it would be desirable for KCC Highways to have a transport strategy in place prior to the determination of the application, in reality, the application cannot be held in abeyance until this point in the future. Therefore, I am of the view that a contribution towards a commission is reasonable in this case.

- 8.50 KCC go on to request contributions of £3000 per dwelling to enable 'Strategic Highways Improvements' to be secured relating to the mitigation of the highways impact of this development. Following discussions regarding this with KCC Highways, it has been established that the Highways Improvements will relate to physical signal alterations and or other necessary works to the Boughton Lane/Loose Road junction and the Loose Road/Sutton Road junction which would mitigate the impact of the development upon the highway. Members may recall a similar contribution secured within the Langley Park development granted delegated powers by the committee in February of this year. In my view, this contribution is reasonable in this case to mitigate the highways impact of the development upon junctions which would be directly affected.
- 8.51 In terms of public rights of way, as discussed there are a number of footpaths which abut the site and would be impacted upon in terms of increased use by this proposed development. Following discussions, KCC have agreed to request a contribution of £100,000 towards improving these areas to cater for this proposal which has been agreed with the developer. In my view, this is reasonable due to the inherent relationship of the development with the surrounding footpaths. Alterations have also been sought to the layout in the form of additional pedestrian accesses through to the footpath to the eastern boundary as a result of KCC discussions. This will improve connectivity to these areas and the usability of the footpaths generally.

### **Landscaping and Ancient Woodland**

- 8.52 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. This is particularly important in this case by virtue of the existing landscaping and tree planting within this site. As part of the proposed scheme, a strong landscape structure has been included to assist in reflecting this locality. This includes:-
- The tree lined spine road.
  - A woodland 15m buffer to the existing mature mixed tree belt to the western boundary (known as five acre wood).
  - Retention of existing tree planting to the southern and eastern boundaries.
  - Areas of Public Open Space including a central space with enhanced tree planting and landscaping.

- Additional landscaping within public areas retaining the landscape led approach of this scheme.
- Retention and inclusion of two existing large trees within a public area in the streetscene.
- The introduction of additional landscaping to support existing corridors.

8.53 Overall, I consider the landscape structure of this scheme to be strong and would respond to the semi rural landscaped character of the existing site. This would also assist in softening the development as a whole.

8.54 A principle consideration in assessing the landscape impact is the impact upon the area of the Ancient Woodland. This issue has also been raised within many of the representations received from neighbours. The agent has discussed in detail the siting of the proposed access and what has formed the basis for this proposed position. A construction access was permitted through this woodland to enable construction vehicles to enter the New Line Learning site during construction of the neighbouring New Line Learning School. At this time, the woodland was not classified as Ancient Woodland. Following the completion of the works at New Line Learning, the construction access surface was removed and the area replanted with suitable landscaping to mature in to the area. Since the submission of this application, the area has matured further, although a clear break in the woodland remains visible with much of the landscaping of a modest height. However, to my mind, this space within the Ancient Woodland has been compromised to some degree.

8.55 The Council's Landscape Officer has been consulted on this proposal and has provided comments discussing this issue. They have commented that given further time, this space will mature to infill the gap in the woodland, although as discussed this is not currently the case. Discussions have taken place with the applicants and agents to reduce the scale of the proposed access through this area and therefore reduce the impact upon the woodland itself. These alterations include:-

- Provision of 15m buffer to Ancient Woodland
- Reduction in width of access
- Removal of southern footpath

8.56 A 15m buffer is continued along the length of the Ancient Woodland. Footpaths are located within this area, although they will be restricted to only 'no dig' construction by planning condition. The access itself has also been reduced in width with the removal of the footpath to the southern side of the access. The northern footpath is retained which would form the pedestrian link travelling north. In any case, southern pedestrian links are provided else where within the site. The access has also been narrowed from 5.5m at the egress point to 4.8m as the access continues in to the development. The depth of its construction has also been reduced with a block paved finish, again to reduce the overall impact. Overall, I consider that whilst this woodland has now been designated Ancient Woodland which is a material consideration, the creation of this gap occurred prior to this designation. The proposed access has utilised this space and has been reduced and altered as outlined above in order to

minimise further impact upon the Ancient Woodland. It is also important to highlight that the principle of development on this site is acceptable and the significant weight attached to the lack of a 5 year housing supply. I am therefore of the view that the siting of this access is acceptable in the balance of issues in this particular case.

### **Ecology and Ancient Woodland**

- 8.57 The site as a whole has been subject to a number of ecology surveys and assessments to review the habitats provided within the site and to establish whether there is a presence of any protected species. The principle habitats within the site comprise large areas of grassland and arable with the parcel of Ancient Woodland to the western side. The established tree planting and landscaping which exists around the site boundaries is also of some ecological value.
- 8.58 The submitted reports outline that a population of slow worms have been discovered within the site and that suitable mitigation could be provided to ensure that no harm would be caused to this population.
- 8.59 KCC Ecology has been consulted on this detail and comments have been provided. In general, KCC Ecology find the ecological reports and their findings acceptable. However, comments have been raised regarding the ecological impact of the proposed access through part of the Ancient Woodland. As discussed above, this issue has been considered in depth and in the balance of issues, the siting is considered acceptable, although it is recognised that there would be some harm to the ecological value of this section of the site. The submitted ecological reports state that whilst this access is provided, suitable ecology enhancements could be incorporated in to the development in order to mitigate the proposed development. These include retention of as much existing planting and hedgerows as possible, precautionary safeguards during construction works, creation of log piles within the open space areas, provision of bird, bat and insect boxes. The reports go on to suggest that a suitable management plan for the area should be created in order to ensure habitats are managed in a way which enhances potential species - particularly relevant concerning wild grassland areas within the site. Suitable conditions will be imposed to ensure details of enhancements are submitted and that the development is carried out in accordance with the recommendations of the submitted ecology report.
- 8.60 Comments have also been raised with regard to the siting of footpaths close to the Ancient Woodland. Whilst I acknowledge these comments, the siting of the footpaths is set back from the Ancient Woodland edge and does allow for a suitable buffer. Any footpaths in this space will be conditioned to be 'no dig' construction also so that the disturbance upon this area is reduced. Comments have also been raised concerning bat mitigation details. The maintained boundaries of this site include significant landscaping allowing routes for bats to be maintained. KCC Ecology have requested a Bat Survey to be carried out together with clarification of the reptile survey method and these details will be requested and such details will be requested from the developer should

members agree to grant delegated powers in this case. A number of conditions suggested in the interests of ecology are considered appropriate in this case and will be imposed to secure suitable details are submitted.

### **Air Quality**

- 8.61 In terms of Air Quality, the Council's Environmental Health Officer has been consulted to provide comments in this regard. The comments received confirm that the area subject to this development is not within an area of poor air quality and therefore air quality management is not a significant issue in respect of this application. However, I am aware of a number of comments received raising the issue of air quality within this development and the view expressed that the cumulative impact of a number of developments would significantly alter the air quality in this area. These comments refer to the development of the Tiger primary school within this locality in addition to the housing development proposed here. The Environmental Health officer has considered the cumulative impact and has stated that whilst he does not consider this would warrant raising objection to the proposal, a condition should be imposed to ensure that the developer considers and specifies what measures would be employed to assist in reducing air pollution within the development. I consider this is reasonable in this case given previous developments granted and a suitable condition will be imposed.

### **Open Space**

- 8.62 In terms of open space provision, the proposed layout does include a number of areas considered to provide open space for future residents although there is no provision of formal open space within the site. The councils Parks and Open Space team have been consulted and comments have been received. In general, the lack of formal open space provision is acceptable on the proposed scheme by virtue of its urban fringe location and proximity to other areas of open space, in particular Mangravet Recreation Ground (100m away), King George V Playing Fields (450m away) and Shepway Green (1km away) being the closest to the development. It is reasonable to suggest that these facilities would see an increase in usage from the proposed development due to their proximity to the site.
- 8.63 In the absence of formal open space being provided, it is reasonable (in accordance with the council's Open Space DPD) to request contributions to existing off site facilities in order to improve services and cater for the increased level of usage. It would be reasonable to secure this to those as outlined above being the closest to the development.
- 8.64 Therefore, a requested contribution of £1575 per dwelling will be secured under the legal agreement in order to support existing facilities as discussed which I consider is appropriate in this case.

### **Provision of New Sports Facilities**

- 8.65 As stated within the proposal section of this report, this development would involve the creation of new playing fields for the New Line Learning school. This would be located within an existing agricultural field located to the east of the proposed housing site and would mitigate the loss of the existing playing fields subject to the proposed housing scheme. Sport England have been consulted on this element of the proposal and have raised no objections overall. Of key importance here is the fact that the school facilities would be retained with the creation of additional land together with enhanced pitches of greater number and covering a larger area (approximately an increase of 30%).
- 8.66 Although the playing fields are primarily for the use of the school for learning and recreational purposes, the school does undertake community events and activities allowing the surrounding community as a whole to benefit from the improved facilities. As such, I consider the replacement sports field would improve sporting facilities for the school and suitable conditions will be imposed (As requested by Sport England) to ensure facilities are provided prior to the development.

### **Drainage and Flooding**

- 8.67 The site falls within flood zone 1 and therefore is considered to be at low risk of flooding from all sources. A sustainable urban drainage system is included within this application to assess the appropriate methods to deal with water on the site. This concludes that the most efficient method of disposing of surface water would be by utilising infiltration techniques such as deep board soakaways located within areas of public open space. The Environment Agency, Southern Water, Upper Medway IDB and KCC have been consulted on this detail and have raised no objections. I am therefore of the view that the proposed drainage methods are suitable for this site and would not result in any significant surface water issues.

### **Code for Sustainable Homes/Sustainability**

- 8.68 The submitted documents set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. This includes dwellings to a good level of energy efficiency which would achieve code level 4 of the Code for Sustainable Homes. A condition will be imposed to secure this.
- 8.69 In terms of sustainability, a travel plan has also been submitted as part of this application. By virtue of the siting of the development and its proximity to existing community facilities such as shops, schools and public transport within the urban area, I am generally of the view that the site is sustainable. The travel plan details the measures used to ensure other modes of transport are catered for within the scheme to reduce the dependence on the private car. The Environmental Health Officer has also requested that charging points for vehicles are provided within garages. Whilst I acknowledge this would be beneficial, I do not think this would be reasonable to impose as a condition. A similar informative will be included to advise the applicant of such measures.

- 8.70 The Transport Assessment submitted discusses that a cycle route could be provided between the entrance to the development and the entrance to the New Line Learning School to the north. This would then provide the ability to link the development to wider cycle routes including the town centre. KCC Highways have considered this as part of their response and consider this to be appropriate. In my view, this provision would greatly increase the sustainability of the scheme and provide better links to the neighbouring school. A condition securing this will therefore be included within the recommendation as outlined below. The connectivity of the scheme is generally good with good pedestrian and cycle links through the development linking to the surrounding footpaths as discussed above.

### **Legal Agreement and Contributions**

- 8.71 As discussed throughout the report, a S106 agreement will secure contributions to a number of areas in order to make the proposal acceptable in planning terms. By virtue of Regulation 122 of CIL this proposed planning obligation may constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly reasonably related in scale and kind to the development.
- 8.72 Firstly, contributions will be made towards highways improvements, as discussed within sections 9.44 and 9.43 above. Contributions will be sought in the form of £3,000 per dwelling towards defined future strategic transport improvements with the following agreed wording:.
- A contribution of £3000 per dwelling towards highway capacity improvements at the Loose Road/Boughton Lane junction and at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and sustainable transport improvements), and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions.*
- 8.73 These monies would be allocated in a tiered system with the junctions of Boughton Lane/ Loose Road and Loose Road/Sutton Road in the first instance as they would be directly impacted upon by this development.
- 8.74 Further KCC Highways contributions would be paid comprising £2,500 contribution per dwelling? towards a commission to assess options for capacity improvements at the A229/Boughton Lane/Cripple Street junction. This would inform the improvements listed above to investigate suitable mitigation works. A further fee of £3,000 per dwelling? is paid to KCC to pursue the extension of the 30 mph on Boughton Lane south to cover to site access. These contributions are reasonable, necessary in order to mitigate against the impact of the development and directly related to the development.

- 8.75 With regard to open space provision, MBC Parks and Open Space have requested £1575 per dwelling in order to enhance off site open space provision. This will amount to a contribution of some £346,500. This is in accordance with the Council's adopted Open Space DPD (2006) which states that for developments of this scale and where sufficient open space is not provided on site, a contribution will be made to off site provisions. This is outlined as one of the Council's priorities in enhancing open spaces within the Borough and therefore, where there is clear additional pressure on existing open space provision related to new development (which is the case here) contributions are reasonable and necessary to mitigate against the lack of provision.
- 8.76 Contributions are also required towards primary and secondary education. This is on the basis that the KCC strategy for primary education includes 2 new 2 form entry schools. Members will be aware that a resolution to grant planning permission was secured at Langley Park which included a primary school. As such, contributions are required to support this KCC schools strategy to provide new primary education facilities. In this particular case being the development of school playing fields. The New Line Learning School in question would then benefit from this assisting to fund the construction of the Tiger Primary School previously granted planning permission. This school is an academy and therefore funded by central government and not directly by the Local Education Authority (KCC). Therefore, should these contributions not be sought, this may secure further monies for the New Line Learning School. Whilst I acknowledge the particular situation regarding school funding, the additional pressure for school places that this development would create results in the requirement to enhance and expand the provision for primary school provision. The fact that in this case, the neighbouring school is an academy does not alter this position. It is also the case that whilst the New Line Learning site is neighbouring this development, a number of other LEA funded schools are close by in the local area and it is likely that children from this development could attend other schools. It is therefore appropriate to include contributions to land acquisition costs of £503,178.68 together with contributions of £745,000 for primary school build costs in order to support the strategy for enhanced primary education within the Borough. The formula for calculating these contributions is set out below. This is therefore considered reasonable and necessary to seek such contributions which are related to this development.
- 8.77 Secondary education contributions have also been sought under this application. KCC have stated that provision for expansion is provided to those schools which perform well at Ofsted inspections and as such, it is not possible to be specific at this time. However, clearly a development of this scale would have an impact upon secondary school provision within the Borough. This differs from the primary school provision in that occupants of this development are more likely to attend any secondary school within the wider surrounding area and therefore a contribution to allow enhanced provision is reasonable, necessary and related to the development.



8.78 In terms of community learning, similar to the discussion outlined above, there would be an impact as a result of this development upon local service provision related to community facilities. Contributions will therefore be sought towards Community Learning, Libraries, Adult Social Care and Youth Service. Again, these contributions are considered to be reasonable, necessary and related to the development.

The Education and community contributions are set out within the tables below:-

|                                                           | <b>Per<br/>'Applicable'<br/>Flat<br/>(x37)</b> | <b>Per<br/>'Applicable'<br/>House<br/>(x177)</b> | <b>Total</b> |
|-----------------------------------------------------------|------------------------------------------------|--------------------------------------------------|--------------|
| Primary Education<br><i>(new build construction cost)</i> | £1000                                          | £4000                                            | £745,000.00  |
| Primary Education (Land)                                  | £675.41                                        | £2701.63                                         | £503,178.68  |
| Secondary Education                                       | £589.95                                        | £2359.80                                         | £439,512.75  |

|                    | <b>Per Dwelling (x220)</b> | <b>Total</b> |
|--------------------|----------------------------|--------------|
| Community Learning | £30.70                     | £6753.28     |
| Youth Service      | £8.44                      | £1857.30     |
| Libraries          | £183.14                    | £40,289.84   |
| Adult Social Care  | £47.44                     | £10,436.80   |

8.79 The NHS Primary Care Trust has requested contributions of £165,204 towards the enhancement of existing surgeries within the locality. The named practices are – Grove Park, Boughton Lane, Mote medical, Shepway, and Wallis which are all within 1 mile radius of the development site. Occupants of the development could be registered to any of these doctor's surgeries and therefore, to provide monies to assist in supporting these services and expand capacity is reasonable, necessary and related to the development. The contribution monies requested are set out within the table below and using the formulae described:-

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

| <b>Unit Size</b> | <b>Occupancy Rate</b> |
|------------------|-----------------------|
| 1 bed unit       | 1.4 persons           |
| 2 bed unit       | 2 persons             |
| 3 bed unit       | 2.8 persons           |
| 4 bed unit       | 3.5 persons           |
| 5 bed unit       | 4.8 persons           |

|                                            |                               |
|--------------------------------------------|-------------------------------|
| 17 x 2 (2 bed dwelling) =                  | 34                            |
| 78 x 2.8 (3 bed dwelling) =                | 218.4                         |
| 59 x 3.5 (4 bed dwelling) =                | 206.5                         |
| 154 total market dwelling =                | 458.9 total assumed occupancy |
| 458.9 x £360 = £165,204 healthcare request |                               |

Social dwellings excluded from this application = 66 dwellings with an assumed occupancy is 140 persons.

- 8.80 Contributions of £100,000 are sought from KCC Public Rights of Way towards public footpath enhancement. The current condition of many of the footpaths within the vicinity of the site is poor and due to the inherent relationship between the application site and the surrounding footpaths, it is considered contributions to enhance this to cater for increased traffic flow is reasonable, necessary and related to the development.

## **9.0 CONCLUSION**

- 9.01 This is a site for housing within the urban area which is appropriate for residential development. The development is in accordance with the relevant policies ENV23, ENV28 and ENV32 of the Local Plan and is therefore in accordance with the Development Plan. Furthermore, it is in accordance with the provisions of the NPPF and its presumption in favour of sustainable development, and the provision of 220 new dwellings would significantly contribute to achieving the council's 5 year housing supply. This is a strong material consideration in the determination of this application, and should be given significant weight.
- 9.02 The design of the proposal is considered to be of a good quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers.
- 9.03 The development would cause some harm to the countryside and the designated anti-coalescence belt, however, in the balance of issues, I give significant weight to the benefits of this proposal and the housing need.
- 9.04 The applicants propose significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take to the Boughton Lane/Loose Road junction and the Loose Road/Sutton Road junction, in order to make this development acceptable in planning terms where it would otherwise be unacceptable.
- 9.05 This is a proposal that would deliver a high quality development. As such, the material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

## **10.0 RECOMMENDATION**

10.01 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a satisfactory Bat Survey and appropriate mitigation, clarification of the reptile survey method and a suitable S106 legal agreement between Maidstone Borough Council and the developer that provides the following:

- The provision of 30% affordable housing;
- Contributions of £3000 per residential unit (£660,000) to allow:-

*Highway capacity improvements at the Loose Road/Boughton Lane junction and at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and sustainable transport improvements), and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions.*

- Contributions of £100,000 towards public footpath enhancement within the immediate area around the development site (KCC);
- Contributions of £165,204 for healthcare provision to specified surgeries within 1 mile radius.
- Contributions of £745,000 for primary school build costs (KCC)
- Contributions of £503,178.68 for primary school land acquisition costs (KCC);
- Contributions of £439,512.75 for secondary education enhancements (KCC);
- Contributions for additional book stock within local libraries of £40,289.84
- Contributions towards community learning of £6753.28 to be spent within the Maidstone Borough.
- Contributions towards youth services of 1857.30 to be spent within the Maidstone Borough.
- Contributions towards adult social care of £10,436.80 to be spent within the Maidstone Borough.
- Contributions of £346,500 for parks and open space (MBC) to enable enhancement to of site open space provision.

#### **CONDITIONS:-**

1. 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.

2. The development shall not commence until written details and samples of the materials to be used, in the construction of the external surfaces of the buildings hereby permitted (which shall include slate roofs), have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until details of all fencing, walling (which shall include walling at the point of access) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the 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.

4. The development shall not commence until details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- The retention of existing tree lines along the eastern, southern and western boundaries and enhancements to the boundary where necessary;
- Areas of grassland to be managed as rough grassland.
- The provision of bird and bat boxes within the development;

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

Reason: No such details have been submitted and in the interests of visual amenity.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

8. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved 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.

9. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes.

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

10. Notwithstanding the details provided within the design and access statement, the development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerbstones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

11. No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

12.No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the weatherboarding/tile hanging and the brickwork.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

13.No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.

Reason: To prevent light pollution in the interests of the character and amenity of the area.

14.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.

15.The development shall not commence until details of the means of vehicular access to the site, including the road width, construction method, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

16. The delivery of materials during construction of the development hereby permitted shall be made via the southern access to the site for the duration of the construction works.

Reason: To ensure no detrimental harm is caused to the Ancient Woodland to the western boundary and to secure neighbouring amenity.

17. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

18. The measures outlined within the Travel Plan within the Transport Assessment shall be carried out in full prior to the occupation of the development and monitored according to the stated Framework.

Reason: To encourage the use of more sustainable forms of transport.

19. No development shall commence until details of a shared use pedestrian cycle route, as described in the Transport Assessment, from the site access north to the Academy site entrance are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a suitable level of connectivity between the development and the surrounding areas.

20. Wheel washing facilities shall be used during construction to prevent mud and debris being deposited on the highway.

Reason: In the interests of highways safety.

21. The 220 residential dwellings, access, parking, landscaping and ancillary works on the land at Boughton Lane hereby permitted shall not commence until the playing field area has been laid out in accordance with the Site Layout Plan (Drawing No. 2084 – 09 Rev B) so that it is available for use as a playing field, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field.

Reason: To secure the provision and use of playing field.

22. The 220 residential dwellings, access, parking, landscaping and ancillary works on the land at Boughton Lane hereby permitted shall not commence

until the replacement playing field has been built, made fully operational and available for use.

Reason: To ensure satisfactory replacement sports facility provision is secured.

23.No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the replacement playing field which identifies constraints which could affect playing field quality; and

(ii)Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(iii) The approved scheme shall be carried out in full prior to commencement of development of the 220 residential dwellings, access, parking, landscaping and ancillary works on the land at Boughton Lane hereby permitted. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

24.Details of facilities for the charging of electric vehicles in this development shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and should conform to the latest standards and conform to best practice. The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 or latest equivalent.

Reason: To encourage the use of more sustainable forms of transport.

25.Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter.

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services.



Reason: In the interests of amenity.

- 26.No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

- 27.The playing fields hereby permitted shall not be used after the hours of 21:00hrs unless prior written agreement is sought from the Local Planning Authority.

Reason: To reduce the impact upon neighbouring amenity.

- 28.No development shall commence until the developer has submitted a scheme, having regard to the DEFRA guidance from the document "Low Emissions Strategy using the planning system to reduce transport emissions January 2010", to, and approved by, the Local Planning authority, detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

Reason: In the interests of suitable air quality and amenity.

- 29.No development shall take place until implementation and completion of:-  
i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and  
ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 30.On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will arrange for the development archaeological archive to be deposited in a suitable museum or similar repository to be agreed with the County Archaeologist and the Local Planning Authority. Deposition of the archive will include a one-off payment by the Developer at the standard museum archive storage rate per box at the time of deposition.

Reason: To ensure appropriate deposition and long term storage of archive.

- 31.On completion of the archaeological post excavation and publication programme the Developer, or their agents or successors in title, will undertake a programme of heritage interpretation based on the results of the post excavation assessment, in accordance with a framework agreed

with the County Archaeologist and the Local Planning Authority. The Heritage Interpretation will be suitably integrated into the development.

Reason: To ensure information on the heritage is appropriately disseminated.

32. Construction of new permanent hard surfacing within the 15m buffer zone to ancient woodland or within the root protection area of retained trees shall be fully permeable and shall be carried out without excavation, strictly in accordance with the principles set out in clause 7.4 of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of tree protection and ecology.

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

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

34. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'biodiversity protection zones';
  - c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests ecological preservation.

35.No development shall take place until a "lighting design strategy for biodiversity" for the use of external lighting during the construction and operational phases of the development has been submitted to and approved in writing by the local planning authority. The lighting strategy shall show how and where measures will be implemented to reduce light spillage onto areas of ecological sensitivity: in particular, vegetated areas including trees, tree lines, woodland and hedgerows. 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 strategy.

Reason: In the interests ecological preservation.

36.No development shall take place (including ground works and site clearance) until a method statement for mitigating the impacts to species including bats, reptiles, breeding birds, badgers and hedgehogs has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, incorporating up-to-date ecological surveys if necessary;
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Provision for species rescue, as appropriate;
- g) Disposal/use of any wastes arising from works.

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

Reason: In the interests ecological preservation.

37.No development shall take place until an ecological design strategy (EDS) addressing the ecological enhancement of the site and the mitigation for impacts to the ancient woodland with the provision of a 15m undeveloped ancient woodland buffer with managed public access, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints incorporating up-to-date ecological surveys;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

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

Reason: In the interests ecological preservation.

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

Plan numbers 2084-001, 2084-002, 2084-29, 2084-30, 2084-31, 2084-33 to 2084-39, 2084-99, 2084-100, 2084-102, 2084-104, 2084-105, 2084-32, 2084-35, 2084-40, 2084-41, 2084-42, 2084-43, 2084-44, 2084-45, 2084-46, 2084-47 2084-48 2084-49, 2084-50, 2084-51, 2084-52, 2084-53, 2084-54, 2084-55, 2084-56, 2084-57, 2084-58, 2084-59, 2084-60, 2084-61, 2084-62, 2084-63, 2084-64, 2084-65, 2084-66, 2084-68, 2084-70, 2084-73, 2084-75, 2084-78, 2084-80, 2084-82, 2084-85, 2084-87, 2084-90, 2084-91, 2084-92, 2084-95 2084-97, 2084-108, 2084-113, 2084-120, 2084-121, 2084-122, 2084-123, 2084-124, 2084-125, 2084-126, 2084-127, 2084-128, 2084-129, 2084-130, 2084-131, 2084-132, 2084-133, 2084-134, 2084-135, 2084-136, 2084-137, 2084-138, 2084-139, 2084-140, 2084-141, 2084-142, 2084-150, 2084-151, 2084-152, 2084-153, 2084-154, 2084-155, 2084-156 RevA, 2084-157 RevA, 2084-158 RevA, 2084-159 RevA, 2084-160 RevA, 2084-161 RevA, 2084-63, 2084-65, 2084-67, 2084-69, 2084-71, 2084-72, 2084-74, 2084-76, 2084-77, 2084-79, 2084-81, 2084-83, 2084-84, 2084-86 2084-88, 2084-89, 2084-93, 2084-94, 2084-96, 2084-97, 2084-107, 2084-109, 2084-110, D1977.L.100 , D1977.L.101 RevA, D1977.L.102 RevA, Design and Access Statement, Planning Statement, Statement of Community Involvement, Affordable Housing and Contributions Statement, Code Level 4: Analysis of cost uplift and proposed alternative strategy, Transport Assessment and Travel Plan, Utilities Appraisal including Appendices 1-7, Extended Phase 1 Habitat Survey and Bat Building Survey Report, Archaeological desk based assessment, Method statement for a Magnetometer survey, Detailed Magnetometer survey, Arboricultural report and tree survey, Flood risk assessment and drainage strategy, Desk study and ground investigation, Application Form and Supporting Letters received 19<sup>th</sup> December 2013. And plan numbers 2084-64 RevA, 2084-66 RevA, 2084-96 RevA, 2084-98 RevA, 2084-101 RevA, 2084-103 RevA, 2084-106 RevA, 2084-111 RevA, 2084-114 RevA, 2084-65 RevA, 2084-95 RevA, 2084-97 RevA, 2084-100 RevA, 2084-102 RevA, 2084-105 RevA, 2084-112 RevA, 2084-113 RevA, 2084-09 RevC, 2084-10 RevC, 2084-11 RevC, 2084-012 RevC, 2084-013 RevC, 2084-014 RevC, 2084-015 RevC, 2084-016 RevC, 2084-017 RevC, 2084-018 RevC, 2084-019 RevC Received 25<sup>th</sup> March 2014. Plan number DHA/6723/01 received May 2014, SK01 RevP1 received May 2014.

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

**INFORMATIVES:-**

1. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport' (Sport England, 2011).
2. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
3. Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.
4. Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby properties. Advice on minimising any potential nuisance is available from the EHM.
5. 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.
6. Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
7. Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
8. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
9. The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

10. Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).
11. Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.
12. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel - 0330 3030119) [www.southernwater.co.uk](http://www.southernwater.co.uk)

Case Officer: Kevin Hope

**NB** For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.