

**REPORT SUMMARY**

<b>REFERENCE NO - 14/500290/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of a number of disused temporary structures associated with Maidstone Studios and erection of 77 dwellings together with access, parking, garaging, landscaping and ancillary works on land to east of Maidstone Studios			
<b>ADDRESS</b> The Maidstone Studios Vinters Business Park New Cut Road Maidstone Kent ME14 5NZ			
<b>RECOMMENDATION</b> [Approval]			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development would provide mix of dwelling types with high quality design. It would provide much needed market and affordable homes. The proposal would represent a sustainable development and would help to support growth for the future of Maidstone TV Studios and expanding provision of higher education in Maidstone. For the reasons set out below, the proposal is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Cllr Tony Harwood requests, that this application is reported to committee due to the level of local interest aroused by this application and the media coverage surrounding it, submission of a viability assessment report accompanied the application and the significant policy issues arose in relation to affordable housing provision, Community infrastructure levy contribution and support for higher education provision in Maidstone.			
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Hillreed Homes <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 15/09/14	<b>PUBLICITY EXPIRY DATE</b> 15/09/14	<b>OFFICER SITE VISIT DATE</b> Various	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/12/1218	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 26th April 2012 pursuant to condition 23 bat survey and additional information received on 22/06/2012.	Approved	

MA/12/0739	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 26th April 2012 pursuant to condition 06(eco homes), condition16 (noise), condition 17 (Archaeology) and condition 27 lighting submitted April 2012.	Approved	
MA/07/0756	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 26th April 2012 pursuant to condition 23 bat survey),	Approved	
MA/12/0630	Application to discharge conditions relating to MA/07/0458 (Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works. "Resubmission of MA/06/1549") submission of details received on 4th April 2012 pursuant to conditions 2, 3, 4, 19, 11, 13, 14, 15, 26, 28.	Approved	
MA/07/0458	Demolition of existing building and structures, erection of one hundred and forty two dwellings and associated landscaping, formation of new car park to service Maidstone Studios, formation of new emergency access and associated works.	Approved	07 July 2009

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site is located on the west side of New Cut Road and is accessed from the roundabout situated on the junction of New Cut Road and Grovewood Drive.

- 1.02 The site is currently used as car park in association with the TV Studios which is a large multi storey building about 17m tall situated west of the application. The studio building is of utilitarian design and appearance. To the north of the main building is a single storey building with shallow pitched roof and height of about 9m to the eaves.
- 1.03 The area to the south of the main building is occupied by a number of large satellite and telecommunication dishes.
- 1.04 There are a number of redundant portakabins type buildings to the north of the site. These were once used as ancillary additional office accommodation.
- 1.05 The site is semi rectangular in shape and measures about 2.2 hectares. The land slopes from northeast to southwest with a fall of across the site by approximately 2.5m with undulating topography due to terracing of the land for parking.
- 1.06 There is a strong visual barrier around the edge of the site provided by the existing trees within and just outside the application site. The height of the tree belt along northern, eastern and southern boundaries varies from 10 to over 14 meters. There are also a number of large mature tree within the site that are over 25m in height.
- 1.07 The site is bounded from north and south by the park setting of Vinters Park and the Vinters Valley Local Nature Reserve. The entire eastern boundary except for the access point is enclosed by tall trees restricting views to and from the site.
- 1.08 On the east side of the New Cut Road is the 1980s and 90s Grove Green housing estate which comprises detached and semi-detached houses; and including a district centre comprising retail units and community centre and a local primary and secondary school a short distance to the south.
- 1.09 The application site is within the urban area of Maidstone and Vinters Park Area of Local Landscape Importance and is 2.5km northeast of Maidstone town centre.

## **2.0 PROPOSAL**

- 2.01 This is a full application for the erection of 77 dwellings comprising a four storey block to provide 14no. two bed flats and 2no. one bed flats, 7no. 2bed flats over garages and 54 no. houses with provision for garages, car ports and parking spaces comprising 154parking spaces of which 134 are allocated and 20 unallocated and cycle storage facilities.

Detailed of the dwelling types and sizes are as stated in the table below:-

2no	1Bed Flat	48.5sqm
14no	2Bed Flat	67.8sqm
7no	2Bed FOGs (flat over garage)	70.2sqm
10no	3Bed +room in the attic (F dormer &R roof light)	68.6sqm
2no	2Bed House	59.3sqm
24no	3Bed House	75.3sqm
4no	3Bed House	83 .0sqm
2no	3Bed House	91.6sqm
8no	3Bed House	92.8sqm
2no	4Bed House	110.2sqm
2no	4Bed House	113.5sqm

The proposal would result in a development with a density of 35.48 dwelling per hectare.

### **3.0 PLANNING CONSTRAINTS**

- 3.01 Trees and hedgerow
- 3.02 Area of Local Landscape Importance.

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

- 4.01 The National Planning Policy Framework (NPPF)
- 4.02 National Planning Practice Guidance (NPPG)
- 4.03 Maidstone Borough Council 2000 policies ENV6, ENV35, T13, T23
- 4.04 Affordable Housing Development Plan Document 2006 Policy AH1
- 4.05 Maidstone Borough Local Plan Regulation 18 Consultation 2014 Policies DM1, DM2, DM3, DM4, DM15, DM17, DM23, DM24, DM25, H2 and ID1.

### **5.0 LOCAL REPRESENTATIONS**

One letter has been received raising the following points

- Further damage to the Vinters Park
- Adds to the traffic problems and harm the local environment
- Lack of affordable homes is a breach of the Council's policy and would set bad precedent, shows Council is weak
- Bad smell due to proximity of the site to crematorium.

### **6.0 CONSULTATIONS**

#### **6.01 Boxley Parish Council**

Do not wish to object but the parish council has the following concerns: Potential safety issues in the 'public squares' because of conflict between pedestrian, private and commercial vehicles using the same space.

Problems with access for emergency services being impeded by the amount of traffic on show nights using a single entrance.

Can the schools take additional children?

Adverse impact on the local highway infrastructure.

If the planning officer is minded to agree then the parish council would like to see included in the permission:

A condition to remove the Permitted Development Rights to stop any changes at Maidstone Studios without full planning permission. The location of the residential properties immediately adjacent to Maidstone Studios means that any permitted change that might involve additional traffic or machinery could introduce air and noise pollution with an unacceptable impact on the residents.

A light controlled crossing at New Cut Road to allow safe access to local facilities.

A contribution to play provision or maintenance of existing areas at Grove Green.

I realise that the Permitted Development Rights condition is probably not attainable however the parish council would like to highlight possible future conflict with residential units so close to an 'industrial' site.

### **6.02 Mid Kent Environmental /Health Shared Service**

No noise assessment has been submitted to ensure that future residents are not subjected to excessive noise from plant associated with the neighbouring studios and associated structures.

In view of the reassessment of the site and the change in balance between the numbers of flats and houses and the consequent increased number of gardens, additional remediation measures may be required. Duncan Haynes will comment on this area subsequently.

The plans show ground floor w.c. compartments in some dwellings being accessed directly off of the kitchen/dining areas. This is not recommended as there is a risk of spray from the flushing of the w.c. being carried over on to the dining and kitchen work surfaces.

CONDITION:

INTERNAL SOUND LEVELS – RESIDENTIAL

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

### **6.03 Environmental Services**

The application is in relation to contaminated land reports supplied with the previous applications. The original investigation 2006 concluded that a "discovery strategy" should be implemented to identify any land contamination and ensure it is remediated appropriately. The updated assessment concludes that this approach does not need to be changed.

The original report recommends that the existing site top soils could be used in the limited public open space and garden areas that were originally proposed. The new proposal includes greater areas of private gardens

therefore more attention will be required to ensure that existing topsoil is suitable for the use and that any imported soils are of the correct standards. These issues can be addressed by the provision of a verification report.

I therefore request the following conditions are applied:

**Condition**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority for approval in writing.

**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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**6.04 Environmental Agency:** Have **no objection**, but request that the following conditions be included in any permission granted:

**CONDITION 1:**

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

**CONDITION 2:**

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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.

### **Additional information**

#### **Flood risk**

We have reviewed the details supplied with Flood Risk Assessment (FRA) prepared by DHA Transport dated April 2014, ref CS/10073 and would have no objection to the use of deep bored soakaways. We do however request consideration be given to using other sustainable drainage structures instead of a pipe network before discharging to soakaway. This could include swales or filter strips for conveyance, which will also provide treatment of runoff prior to discharge to soakaway. **Please note that dispersal into the ground through soakaways is dependent on a site specific investigation and risk assessment.**

#### **Contamination**

We have reviewed the document 'Desk Study & Preliminary Risk Assessment Report' by Southern Testing (reference DS2546 dated 19th March 2014). The report makes reference to an investigation undertaken in 2005 but the document was not provided for review and no details were provided. However, the site does not appear to have a history that would indicate the potential for significant contamination.

#### **Foul Drainage**

We note that foul drainage will be connected to the main sewer. Should this change we would wish to be re-consulted.

#### **Fuel, Oil and Chemical Storage**

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

#### **Waste**

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

### **6.05 KCC Development 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.

### Request Summary

	Per Applicable House (x54)	Per applicable flat (x21)	Total
Primary Education <i>(new build construction cost)</i>	£4000.00	£1000.00	£237,000.00
Primary Education <i>(Land acquisition)</i>	£2701.63	£675.41	£160,071.54
Secondary Education <i>(extension)</i>	£2359.80	£589.95	£139,818.15

	Per Dwelling (x130)	Total
Community Learning	£30.70	£2363.67
Youth Service	£8.44	£650.05
Libraries	£15.06	£1159.67
Adult Social Care	£53.88	£4148.76

### 6.06 KCC Highways and Transportation services

The Section 278 highway works have been agreed in respect of the 2007 previous planning application on this site and these comprise of the following except for emergency access that KCC Highway services no longer considers such as access to be necessary:

1. A new zebra crossing on New Cut Road and the removal of the existing dropped kerbs on the northern side of the junction with Grovewood Drive.

2. New dropped kerb crossings and tactile paving provided on Grovewood Drive at its junction with New Cut Road, including tactile paving on the existing splitter island.
3. Provision of bus boarders at the 2 bus stops closest to the development site on Grovewood Drive.

These highway works are also relevant for the current planning application. Additionally I would recommend that the following conditions are also included with any consent granted:

4. A commuted sum will be required in respect of the proposed street trees and the tree species are subject to the approval of KCC Agreements Team.
5. The site is currently used for parking by the Maidstone Studios and additional parking has already been provided to accommodate displaced parking to the west of the studios building, however the operation of a Park and Ride service on show evenings is recommended.
6. A construction Management Plan is required prior to the commencement of the development and subject to the approval of KCC Highways.
7. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
8. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
9. Provision of measures to prevent the discharge of surface water onto the highway.
10. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
11. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
12. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
13. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
14. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
15. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
  - (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

### **Informatives**

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web:

[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary application pack.

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 such 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.

## 6.07 MBC Economic Development

### Economic and Higher Education significance of the TV Studios

The current proposal from Persimmon Homes is for the development of 77 houses on land owned by Maidstone Studios. Within the development appraisal and subsequent viability information a land value of £2.7million is stipulated as the minimum required *'to address the minimum technical spending required over the next four years so that the Studios keep pace with industry expectations'*.

In order for Maidstone Borough Council to accept the land value of £2.7million, and thereby achieve a below policy level provision of planning obligations of providing affordable housing and S106 contributions, we have requested evidence of planned expenditure over the next few years to understand where this will be spent and how it will contribute to the use of the Maidstone Studios site as a 'media village'.

Evidence that has been provided to MBC Economic Development team relating to the proposed investment in the Media Centre. The evidence relates to provisionally planned expenditure on the Data Centre and is shown in the table below.

Item No.	Area of Expenditure	Detail	Cost
1	Ground Floor Data Centre Area's 3 and 4 and 2 <sup>nd</sup> Floor Office reconfiguration	2 <sup>nd</sup> floor office reconfiguration	£210,000 – £230,000
		Office construction and fit out	£260,000 – £300,000
		Data centre areas 3 & 4 Construction	£700,00 – £780,000
		Data centre areas 3 & 4 Fit Out	£940,000 – £980,000
2	Enabling Data Centre Systems	Provisionally planned expenditure	£457,548.14
<b>TOTAL</b>			<b>£2,747,548*</b>

\*Maximum figures for all individual parts of Item 1 have been used

This evidence indicates that the expenditure on Item 1 will all take place between 1<sup>st</sup> January 2015 and 31<sup>st</sup> March 2016. The evidence provided for item 2 is for equipment required to support the development of item 1 and are planned for purchase from January onwards to support this. The total value of this investment is a little above the stated £2.7million land value.

The principle of cross subsidy (i.e. the acceptance of a £2.7million land value) can be supported on the production of suitable evidence of Maidstone Studios being a key unique feature on the economic landscape where evidenced future investment will provide benefits to the wider Maidstone community and help to deliver against Council priorities. Evidence to this effect is set out below.

### Maidstone Studios

Maidstone Studios is one of Maidstone's unique businesses. It is the UK's largest independent live TV studios, with TV broadcasting facilities and a comprehensive range of post-production and scenery services available on-site. It directly employs 34 people and regularly employs over 200 freelance crew on site. Shows attract large numbers of people to Maidstone including crews for shows, entertainers, guests and audiences which support other local businesses including local hotels, taxi firms, restaurants, catering supplies and local shops. We have been informed by Maidstone Studios that the General Manager of the Tudor Park Hotel has stated that the Studios contribute between 1500 and 2000 room nights to his annual budget. Supply chain benefits include security companies, cleaning and landscaping contractors, recruitment agencies, recycling companies and local media companies.

Over recent years Maidstone Studios has diversified to set up Custodian: a state of the art data centre offering a safe and resilient environment for IT infrastructure and business critical data.

Custodian itself employs 18 staff and has 230 customers, supporting both businesses and Local Authorities across Kent and Medway with both Data Centre facilities and hi-speed broadband.

Additionally, they have developed out small business space and now host 32 on site tenants and 25 virtual office clients. Around 475 people are employed in SMEs based at the Studios. Planned further investment in office accommodation has the potential to attract new businesses and create new jobs in this important sector.

### Delivering the draft Economic Development Strategy

Maidstone Borough Council's number 1 priority is for Maidstone to have a growing economy. Subsequently, the delivery of our draft Economic Development Strategy is paramount in achieving this priority. As explained in the draft Economic Development Strategy (EDS), in order for Maidstone to be successful in attracting higher value jobs in growth sectors in the future, we need to have a suitably qualified workforce to attract relevant businesses to

the Borough. Additionally it notes that *'evidence shows that while the qualification profile of Maidstone's population has improved over recent years, with more people now qualified at level 4 and above, this is still below the national average and there has been greater improvement elsewhere in Kent.'*

At present Maidstone lacks a significant university campus since the University of the Creative Arts (UCA) withdrew from the Oakwood Campus a few years ago. However the UCA retain a presence at Maidstone Studios where their Television Production and New Media Business Management and Interactive Media Production degree courses are based. This gives students a unique opportunity to study in a professional environment with access to industry-standard equipment. UCA currently have 40 students studying at the Studios with plans to increase student numbers to around 300 by 2021. UCA has recently signed a long term lease to occupy the Studio buildings.

### Creative Industries

The creative industries are identified within Maidstone's Economic Development Strategy 2008 and the draft Economic Development Strategy 2014 as one which could have a significant potential to grow the knowledge economy in Maidstone, creating higher skilled, higher wage employment. The draft states that Maidstone Studios is a key asset locally and should be supported.

Growth in the creative industries nationally continues to outpace other sectors. Average gross wages in the UK Film Production sector as a whole are around £32,500 (Oxford Economics on the Economic Impact of the UK Film Industry in 2012), significantly higher than the UK average of £26,100. The mean average wage in Maidstone in the year of this report was £22,176 (2012 Annual Survey of Hours and Earnings (ASHE) Analysis by Place of Work by Local Authority).

Maidstone Borough Council's Economic Development team support this application given the importance of the Maidstone Studios on the economic landscape of Maidstone and their wider 'media village' uses as an anchor for creative businesses and crucially for university provision in Maidstone.

NPPF in its paragraph 21 states that Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible

enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;

- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

#### **6.08 KCC Ecology**

Under the Natural Environment and Rural Communities Act (2006), planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that *“the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”*

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.”*

We have reviewed the ecological information has been submitted with this application and we advise that there is a need for additional information to be provided prior to determination of the planning application.

The ecological survey has identified that a number of trees within or adjacent to the site has suitable features for roosting bats. Trees 13 and 26 (as numbered by the tree survey) will be lost as a result of the proposed development. The survey has recommended that emergence surveys must be carried out prior to the trees being felled. However we advise that the surveys must be carried out prior to determination of the planning application to establish if bats are roosting within the trees. If bats are roosting within the trees a European protected species mitigation licence would be required to derogate from potential offences under the Conservation of Habitats and Species Regulations 2010 (as amended). And in that situation Maidstone BC would have to consider the likelihood of a licence being granted, which requires the ‘three tests’ to be addressed:

The development activity must be for imperative reasons of overriding public interest or for public health and safety;

There must be no satisfactory alternative; and

Favourable conservation status of the species must be maintained.

We are of the opinion that until the results of the surveys and details of any mitigation required are submitted Maidstone BC will be unable to be satisfied that the favourable conservation status of the bat species are maintained.

We advise that it is currently optimum bat survey season and we recommend that the applicant should carry out surveys as soon as possible to prevent delays.

#### *Foraging/commuting*

The submitted survey has highlighted that the site has good connectivity to the surrounding area and the hedgerows may be used by foraging bats.

As housing will be built adjacent to the woodland area we question why foraging surveys have not been carried out to establish how bats use the site and assess the impact the proposed development will have on foraging bats. We advise that an activity survey must be carried out to inform any mitigation which is required to avoid impacting foraging/commuting bats.

#### **Breeding Birds**

All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and we advise that if planning permission is granted an informative must be included stating that all vegetation is removed outside of the bird breeding season (March – August). If that is not possible an experienced ecologist must examine the site prior to works starting and if any breeding birds are present all works must cease in that area until young have fledged.

#### **Enhancements**

One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.

The ecology report has made a number of recommendations for ecological enhancements and the design and access statement has confirmed that the proposed development will be incorporating enhancements in to the site.

We advise that if planning permission is granted the landscaping plan is updated, as a condition of planning permission, to include the ecological enhancements which will be incorporated in to the site.

We also advise that there is a need for a management plan for the site to be produced to ensure the enhancements will be managed appropriately.

Additional comments have been received from the ecology officer suggesting the imposition of conditions to cover foraging and emergency surveys to cover bats.

### **6.09 MBC Parks and Open Spaces**

For a development of this size we would expect a minimum onsite provision of open space of 1.00ha. The development is located within Boxley Ward which is generally well provided for in terms of open space. The exception to this being Outdoor Sports Facilities and Allotments/Community Gardens which have a rather large under provision.

We would query whether the proposed provision of onsite open space would meet the minimum expectation of 1.00ha. From the documents supplied it is indicated that the development site is 2.17ha in total with 77 dwellings. Therefore nearly half the site would need to be in the form of open space.

With that in mind it is likely that we would request an off-site contribution to cover the shortfall in open space provision. Without knowing exactly how much onsite open space is likely to be provided it is difficult to advise how much of an offsite contribution we would request. However we can say that for every 0.01ha shortfall we would request £15.75 per dwelling. As an example should the development provide 0.20ha onsite open space then we would request a contribution to cover the 0.80ha shortfall.

$80 \times £15.75 = £1260$  per dwelling, which would equate to £97,020 for the development as a whole.

Any offsite contribution we would request to be used within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play.

Whilst we note the development plans to provide an onsite natural play trail this will be limited in the age group that it will appeal to and we would therefore request that any financial contributions could also be used on equipped areas of play within the local vicinity which will no doubt see increased usage as a result of this development.

Such sites as “Area D” at Weaving Heath, Shepherds Gate Drive, and Grovewood Drive are all within 1km of the site and would be used by the development as they are the nearest sites with areas of outdoor sports facilities and equipped play.

#### **6.10 MBC Landscape Officer**

The trees of less value do not necessarily need to be retained, but when trees are removed, appropriate planting (in terms of species, layout and volume) should be incorporated into the scheme to mitigate their loss. In general a net gain in biodiversity and landscape value should be achieved.

Whilst I would like to see as many of the mature trees on site are retained. I do not object to the removal of the following trees:

-T13 oak tree; it has some large main stems removed with associated decay which reduced the safe useful life expectancy of the tree. I would therefore not object to the loss of this tree on the basis of lost amenity which will happen in due course anyway.

-T12 a semi mature Wellingtonia, probably the most publicly visible of the trees on site. It has a large main stem wound on one side. Although it has the potential to make a tree of some prominence due its large size, it is not a native species and therefore of limited biodiversity values.

-T9 An oak tree that under 2007 permission was to be retained. The new layout requires its removal. I support the reconsideration of this, because to retain a tree on as island as was part of the 2007 proposed is only of benefit if

it is a particularly good specimen, which this one is not. I have therefore no objection to its removal.

Finally, Holm Oak tree, this tree is situated towards the southeast corner of the site. This tree stem diameter suggests it is not as old as initially suggested. Its history of crown breakages that appear to have taken place. I was unable to see any evidence of disease or decay to explain branch failures. This together with lack of visibility from outside the site means I have no objection to its removal.

### 6.11 NHS Properties

NHS Property Services Ltd states that 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 Green Medical Centre  
 St Lukes Medical Centre  
 Brewer Street Surgery  
 Bearsted Surgery  
 The College Practice

The above surgeries are within a 1.5 mile radius of the development at Royal Engineers Road. 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 with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

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

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

For this particular application the contribution has been calculated as such:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
1.4	2	2.8	£1,008
2	23	46	£16,560

<b>2.8</b>	<b>48</b>	<b>134.4</b>	<b>£48,384</b>
<b>3.5</b>	<b>4</b>	<b>14</b>	<b>£5,040</b>
<b>Total</b>			<b>£79,992</b>

NHS Property Services Ltd therefore seeks a healthcare contribution of £79,992 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.

### **6.12 MBC Housing**

Based on policy AH1 of Affordable Housing Development Plan Document 2006 which seeks to secure 40% affordable housing this development would need to provide 31 dwelling units. The 2007 application secured 25% on this site. Policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 seeks 15% with regard to previously developed land in urban areas. It is considered that this site should provide a minimum of 15% affordable housing that equates to 11 dwelling units.

The proposed 21% affordable is acceptable provided that they are all for rented purposes and not shared ownership.

### **6.13 Vinter Park Trust**

In August 2009 planning application MA/07/0458 was passed by MBC Planning Committee granted permission for 142 dwellings on the site. Whilst we objected to the planning application, we were forced to accept the decision of the planning committee and the principle that a housing development would be allowed on this land. The planning application accepted that there would be a severe impact on Vinters Valley Nature Reserve as a result of this development and was prepared to contribute to the extra costs the nature reserve would incur, to cater for the increased visitors numbers and wildlife protection measure needed. As a result one of the planning conditions agreed by the planning committee was the payment of £25,000 would be made to VVPT to alleviate the impact of this proposed development. We would wish to see this agreement assigned to the new application should permission be granted, In recent discussion with Geoff Miles of Maidstone Studios, he has assured us that he remains agreeable to honouring the original agreement to make a payment of £25,000 to the Trust to enable the wildlife protection and visitor improvements to the nature, Number of dwellings proposed in MA 14/500290 – 77 Dwellings This new planning application represents a 46% reduction in the previous number of dwellings agreed by MBC. Whilst in an ideal world we would prefer no housing development on this land, our view is therefore that the reduced scale of this development proposal has the potential to be less damaging to wildlife in the nature reserve, and therefore *we are not objecting to this planning application.*

### **7.0 BACKGROUND PAPERS AND PLANS**

Plans 5988 01 Rev I, Plans 5988 03 Rev A, Plans 5988 10 Rev A, Plans 5988 11 Rev B, Plans 5988 12 Rev A, Plans 5988 13 Rev A, Plans 5988 14 Rev A, Plans 5988 15 Rev B, Plans 5988 16 Rev A, Plans 5988 17 Rev A, Plans 5988 18 Rev A, Plans 5988 19 Rev C, Plans 5988

20 Rev B, Plans 5988 21 Rev A, Plans 5988 22 Rev A, Plans 5988  
23 Rev B, Plans 5988 24 Rev A, Plans 5988 25 Rev A, Plans 5988  
26 Rev A, Plans 5988 27 Rev B, Plans 5988 28 Rev A, Plans 5988  
29 Rev A, Plans 5988 30 Rev B, Plans 5988 31 Rev A, Plans 5988  
32 Rev A, RD1544-GA-100, RD1544-GA-101, RD1544-GA-102,  
10073-D-02REV-02, Planning Statement, Design and Access Statement,  
Viability Statement, Arboricultural Implementation Assessment and Method  
Statement 30 May 2014, Archaeological Evaluation Desk top Based  
Assessment November 2005, Sustainability Statement June 2014, Site  
appraisal+ Landscape Strategy June 2014, Transport statement April 2014,  
Flood Risk Assessment Report April 2014, Geological Desk study and walk  
over survey March 2014, Statement of Community involvement, Phase 1  
Habitat Survey External Building Assessment for Bats February 2014.  
Received 16/06/2014, 07/10/2014

## 8.0 Background

- 8.01 Members may recall that in August 2009 this committee granted planning permission for residential development of the land to the east of the TV Studios for the erection of 7 blocks to accommodate 134 flats and 8 semi-detached houses with associated car parking.

The permission was subject to a section 106 legal agreement that secured the followings under schedules 1 to 8:-

S1 Affordable housing provision at 25%, equal to 36 units based on a four stage cascading approach.

S2 Payment of £50,000 to MBC towards improvement and equipping of play area located within 1 mile or less of the site.

S3 To carry out additional Landscaping as shown in the approved landscaping plan no 2115-PP-03 Rev A.

S4 For 3 days a year for the first 3 years from the commencement date to provide the MBC free use of studio space.

S5 Payment of £25,000 to Vinters Valley Park Trust.

S6 Implementation of the approved travel plan involving monitoring and recording of vehicle trips to and from the site at peak morning time, 8am to 9am, and if the number of trips exceed 185 trips the owner shall pay the Highway Agency £125,000 towards the cost of improvement to Junction 7 of M20 or public transport.

S7 Improvements agreed with KCC Highway services shall be implemented prior to the occupation of any of the dwellings.

S8 Secured dwelling unit size and distribution of Affordable housing units on site.

- 8.02 Clause 5.3 of the s106 agreement secured a payment of £720,000 to the MBC on the date of first occupation of any unit in Block B, less the sums already paid (spent) by the TV Studios.

This money to be placed in a special account for payment to the TV studio operator against qualifying expenditure which details the Council has to agree.

8.03 The s106 also included a Travel Plan for the residential part of the proposal and Business Travel Plan relating to the staff and visitors to the TV Studios.

8.04 All pre-commencement planning conditions pursuant to the 2007 application have been discharged and the permission has been implemented but not built out. The site therefore has a valid extant planning permission.

## **9.0 APPRAISAL**

The planning issues relevant to the consideration of this case are:

- Plan designation and principle of development
- Layout, design, street scene;
- Highways and parking issues;
- Impact on trees on site,
- Impact on the Vinters Valley Nature Reserve Park;
- Contamination
- Flood Risk assessment
- Archaeological
- Sustainability;
- Infrastructure improvements (s.106 contribution)
- Economic development and higher education.
- Viability assessment

### **Principle of Development**

9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

The NPPF states that, development that is sustainable should go ahead, without delay with a presumption in favour of sustainable development as the basis for every plan and every decision.

The development plan for the area includes saved policies of Maidstone Borough Wide Local Plan 2000.

9.02 As mentioned above the site has an extant planning permission for 142 dwellings and it is considered that none of the documents of the NPPF, NPPG and the emerging Maidstone Local Plan Regulation 18 have been introduced since the 2009 permission having materially changed the land use policy in this part of the Borough that justify deviation from the acceptance of residential development on this site. Having regard to the above there is no in principle objection to the residential development of the site subject to the development being acceptable with regard to the other material issues mentioned above.

### **Layout, design, street scene and amenity**

9.03 The 2007 application involved substantial flatted type dwellings. It is clear that recent years have seen the market for flats fall away. This has resulted in a greater proportion of family housing and less dense schemes, hence the application.

9.04 The proposed development comprises a mix of 2, 3, and 4 bedroom houses and 1 and 2 bedroom flats. The house types include two storey detached and semi-detached as well as terraced houses. 10no. of the proposed houses are referred to as town houses; these are mainly two storey houses with rooms in the roof space involving single dormer window to the front and roof lights to the rear.

9.05 Paragraph 58 of NPPF encourages good design and requires that developments :

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and
- are visually attractive as a result of good architecture and appropriate landscaping.

9.06 The design principles of this development have sought to deliver the following:

- to create a development with character and activity focusing on the movement route through the site to the TV Studios;
- to reduce the prominence of cars in the street scene by avoiding large frontage parking areas.
- to provide pedestrian and cycle movement from the site to New Cut Road,
- use of area to the north east and of the east of the boundary tree belt for informal open space.
- Creation of strong transition between the proposed development and the TV Studio building and provision of public squares as visual focal areas.

- Creation of a hierarchy of built form within the site by use of mainly two storey and two and half storeys in scale with a 4 storey apartment block in front of studio building. The scale and density of the development ranges from a higher scale density on primary movement route to the Studio to a low scale density to the northern and south edges of the site.
  - To reinforce visual association by use of pallet of materials such as local red and buff brick with accent buildings of render, plain tiles- hanging and timber boarding will be used throughout the site and landscaping will be used to enhance amenities and compliment the environment.
  - Houses and rooms have been designed and orientated to maximise use of sun light and day light.
- 9.07 The houses are designed with small front gardens and parking or garaging to the side or rear and satisfactory levels of garden/amenity areas.
- 9.08 The sitting and relationship of the houses with one another is well positioned and as a result no overlooking or loss of light would result except for plots 75 and 76 that will be overlooked from plot 54. This can be resolved with targeted landscaping along the western boundary wall of plots 75 and 76.
- 9.09 There are 7no. two bed flats over garages in this development. These dwellings would create spacious living accommodation and would provide natural surveillance of the adjoining car parking areas.
- 9.10 The scheme also includes a four storey block of flats directly in front of the access point to the site. This building is considered well positioned to screen substantially the TV Studio building which is a large utilitarian building and provides an attractive vista and view into the site when seen from the roundabout outside the application site in the New Cut Road.
- 9.11 The proposed flats units will overlook the proposed squares to the east and south, the car parking area to the north and the eastern flank of the TV Studios, and as such the buildings would not cause any overlooking of the adjoining properties or loss of sun light and day light. The habitable environment and floor area of these flats are considered to be satisfactory.
- 9.12 Concern has been expressed by the Environmental Health officer regarding the door of WC in some flats that open directly into the Kitchen area. Although this is an aspect of the layout of some of the flats that is rather poor, it is not of sufficient ground for refusal of the application.
- 9.13 Concern has also been raised with regard to level of noise from motorway to the north. No noise report was submitted with the application and to deal with this issue the Environmental Health Officer has suggested conditions to ensure the amenities of the future occupiers are well protected.

- 9.14 A sequence of entrance and arrival squares have been designed in this development, culminating in the central square that frames the entrance to the studios.
- 9.15 Street patterns control speed and use of textured materials would make the environment more pedestrian friendly.
- 9.16 The density of this development is just over 35 dph which is considered to be comparable with the houses built during the 1980s and 90s further to the east of New Cut Road and reflect the density requirements as set out by emerging policy H2 of the Reg 18 of 35 dwellings per hectare at sites adjacent to the urban area. The overall scale is considered much more in keeping with the local context compared to the scale of the flat blocks development of 142 dwellings.
- 9.17 The proposal would involve retention of the existing trees and landscaping along the eastern and northern as well as southern boundaries of the site. Given the dense nature of the vegetation around the site it is considered that the development would not be visible except from the access to the site. Moreover, given the isolated nature and distance of the site from the residential properties to the east of the New Cut Road, it is considered that the development would not impact on the residential or visual amenities of the nearby residential properties.
- 9.18 It is considered that the proposed development would offer a good layout and house design and takes advantage of existing mature trees on site in order to create an attractive living environment for future occupiers and visitors to the TV Studios. It is considered that the proposal accords with good design expectation of paragraph 56 (good design) of NPPF.
- 9.19 It is also important to note that the proposed housing development would share access with the TV Studio and currently there is no planning condition restricting the operating hours of the TV Studio or other businesses running from there. It is therefore highly likely that late night recordings that involve large audience entering and leaving the studios could cause amenity problems for the future residents of those dwellings fronting the access to the Media Centre. It is therefore important to ensure that a travel plan is submitted for approval by the Local Planning Authority to address these concerns. This can be secured via the section 106 legal agreement.

### **Highway and parking**

- 9.20 The development layout has been designed to ensure that access is retained for the TV Studio and at the same time a safe environment for vehicles and pedestrian accessing the site is created. The layout is designed to promote a low speed environment.
- 9.21 There are bus stops close to the application site and the site is well served by frequent public transport to Maidstone town centre and surrounding villages.

- 9.22 According to the Planning and Transport Statement reports submitted with the application access to the site will be from the existing access to the TV Studios and the development would provide 1 car parking space for the one and two bed flats and 2 parking spaces for the 3 and 4 bedroom houses. The development makes provision for 154 parking spaces of which 134 are allocated and 20 unallocated and cycle storage facilities for the flats. It is considered the proposed car parking provision to be satisfactory and acceptable for this semi 'suburban' location. To ensure that the proposed level of car parking is delivered a condition will be imposed accordingly.
- 9.23 The application site and car parking spaces to the west of the TV Studios building are currently available for use as a car park by the TV Studios, particularly when large audience attend recordings of shows. To ensure that loss of the car parking spaces on the application site does not prejudice highway safety, KCC Highway is recommending the use of the park and ride facility. This can be covered under the terms of legal agreement requiring the submission of a Travel plan.
- 9.24 The submitted transport statement contained a number of highway works to improve pedestrian safety and vehicles movements. These works are referred to in the KCC Highway reply above and are required to be carried out prior to the occupation of the dwellings and these would be secured by a Grampion condition to be completed prior to first occupation of any dwelling.
- 9.25 The 2009 permission involved an emergency access along the north east corner of this site; KCC Highways do not consider such an access to be necessary with respect to this development.
- 9.26 It is considered that the site, despite its location on the edge of the town centre, is close to a district shopping centre that includes a Tesco, Post Office and pharmacy. There is a primary school on the Grove Green estate and further primary and secondary schools nearby. The site is reasonably sustainable and subject to relevant planning conditions the proposal would be acceptable in highway terms and as such in compliance with policies T13 and T23 of the adopted local plan.

### **Impact on the Trees**

- 9.27 The trees on this site are subject to an area Tree Preservation Order (TPO No.1 1954) and the site is within Area of Local Landscape Importance. It appears that substantial harm was caused to the trees and Area of Local Landscape Importance when the TV Studios and associated car parking were constructed. The proposal involves retention of all the trees along the eastern, northern and southern boundaries of the site as well as large mature trees close to plots 69, 73, 74, 75, 76 and 77.
- 9.28 It is considered that the impact of the development on the trees would not be any greater than the 2009 permission and KCC Highways comment that an emergency access along the north eastern corner would not be required would ensure retention of more trees on this part of the site.

- 9.29 A tree report is submitted with the application that proposes the following steps to be undertaken in the interest of protection of trees on site. These are as follows:-
- Pre-commencement site meeting with all relevant parties including MBC tree officer.
  - Agree the extent of arboricultural supervision
  - Erection of protective barriers before any clearance or construction activities occurs on site and notification of MBC.
  - Installation of new surfacing- to protect the ground before any clearance or construction activities occurs on site.
  - Tree protection only be removed at the end of the construction phase when there is no longer any risk to trees.
- 9.30 MBC Landscape officer considered the proposal to be acceptable subject to conditions requiring the installation of protective fence around the trees to be retained prior to the commencement of any development on site, additional landscaping and compliance with the tree report submitted.

### **Impact on the Vinters Valley Nature Reserve Park**

- 9.31 The site is adjacent to the Vinters Valley Local Nature Reserve and it is considered that in comparison with the 2009 permission that involved multi storey block of flats, the proposal is predominately two storey houses with ridge heights not exceeding 9.5m except for the flat block which would be screened by the TV Studio building to the west. It is therefore considered that the proposal would not in visual terms impact on the Nature Reserve.
- 9.32 However there is the potential for occupiers of the proposed dwellings (mainly family units) visiting and using the park for recreational activities. To help deal with additional pressure from new visitors on the limited resources of the Nature Reserve; The Trust managing the Nature Reserve has asked for a 25K contribution from the developer. (Similar request was also made regarding the 2009 permission).
- 9.33 Although the number of the dwelling units proposed is reduced it is not considered that the demand from future residents of these houses to use the park would be any less, as such it is considered that the contribution requested is justified.

### **Ecology**

- 9.34 An ecological report has been submitted with this application. The applicant has also stated that in July 2012 details were submitted pursuant to discharge of condition no. 23 of the 2009 permission that required a bat survey to be carried out to establish if bats were using the trees. The survey concluded that no bats used the trees identified for removal. Furthermore as the surveys concluded that the trees on site are not being used by bats, the proposed

development would not contravene any known legislation or planning policy with regards to bats.

- 9.35 The applicant's submission has been considered by the KCC ecology officer who has advised that the information submitted is not adequate to determine if roosting bats are using the trees on site.
- 9.36 It is important to point out that the 2012 survey was carried out over 30 months ago; moreover this development would involve removal of some of the trees that would have remained under the 2009 permission. The ecology officer has also highlighted that the site has good connectivity to the surrounding area and the hedgerows may be used by foraging bats.
- 9.37 Moreover as houses will be built adjacent to the woodland area it is important to carry out foraging surveys to assess the impact of the development on foraging bats. KCC Officer therefore considers it to be appropriate to add a planning condition requiring a fresh bat survey to be carried out prior to the commencement of the development.
- 9.38 Furthermore, given the close proximity of the site to the Nature Reserve and that the trees along the boundary of the site would not be impacted upon and these trees will continue to provide potential nesting places for the birds and bats, it is appropriate to impose a condition requiring that birds and bat boxes and bricks be installed throughout the site in the interest of biodiversity of the site.
- 9.39 In the interests of protection of breeding birds KCC ecology officer has also recommended a planning informative to be added to ensure that all site clearance works are taken place outside the bird-breeding season (March to August) and the timing of such site clearance works shall be compatible with any bat migration works.
- 9.40 To enhance biodiversity on site it is recommended that a landscaping condition be imposed and this should include the ecological enhancements for the site.
- 9.41 As with the 2009 permission which imposed a condition requiring bat surveys to be carried out post decision, this is repeated here. Therefore subject to the above conditions and informative no objection is raised with respect to ecological issue.

### **Contamination**

- 9.42 A contamination report has been submitted with this application and both the Environmental Health Officer and Environmental Agency have assessed this issue and have no objection to the recommendation of the report subject to conditions ensuring the mitigation measures proposed are fully implemented. There is therefore no objection subject to appropriate conditions being imposed.

### **Flooding Risk and drainage**

- 9.43 The application site has been supported by a flood risk assessment (FRA) which demonstrates that the site is not in a flood zone area.
- 9.44 The Environmental Agency has no objection to this development. The FRA concluded that the drainage system for this development would include an attenuation system in order to deal with the surface water. Whilst no such detailed information has been submitted, it is considered a condition imposed on the grant of permission can deal with surface water management.
- 9.45 The report also recommends use of deep borehole soakways. This has been assessed by the EA and they have no objection to the use of deep bored soakways. They do however request consideration be given to using other sustainable drainage structures instead of a piped network before discharging to a soakaway. This could include swales or filter strips for conveyance, which will also provide treatment of runoff prior to discharge to soakaway. It is considered that subject to a condition seeking the submission of satisfactory details the development is acceptable and in compliance with NPPF.

### **Archaeological Evaluation**

- 9.46 An archaeological report has been submitted. The report states that eight trenches across the site were excavated and the evaluation of the trenches revealed scant evidence of archaeological remains except for one ditch that confirmed the remains of a ditch some 3.5m in width suggesting that originally the feature would have been substantial in scale and may have formed a major boundary to other as yet undiscovered. Also abraded fragments of Late Bronze Age pottery were recovered from the subsoil of trench no 4. One other artefact was identified during the course of the evaluation.
- 9.47 The report states that previous construction and landscaping would have effectively removed any surviving archaeological features if any were present and the lack of any background unstratified artefacts would suggest that any activity would have been of a low density. However there is the potential for archaeological remains to be present within the wider Maidstone Studios site as a whole where significant intrusive works, construction and landscaping has not taken place. It is considered that in view of the survey finding an archaeological watching brief condition be imposed.

### **Sustainability Issues**

- 9.48 Applicant has stated that due to viability reason it is not feasible to achieve Code Level 4 and as a result this development will be constructed to Code Level 3 for Sustainable homes (The issue of viability is discussed below).
- 9.49 As noted earlier in this report, the site is close to good public transport links, shops and other facilities. The development of this land for residential purposes is considered to be sustainable.

### **Planning obligations and financial viability**

- 9.50 Planning applications should be determined in accordance with the provisions of the Development Plan (Council policies) and the government guidance unless material considerations indicate otherwise. Members should not depart from the Council's policies unless material considerations are proven to be of enough weight to justify departure. In most cases where a proposal is in accordance with the Council policies it will not be necessary to examine viability issues.
- 9.51 The National Planning Policy Framework states that evidence of viability issues will be a material consideration in some cases. Where the deliverability of a development may be compromised by the scale of planning obligations, tenure requirements or other costs, a viability assessment may be necessary. Where viability is a material consideration, it will be just one of a number of factors to be weighted in member's decision making. Just because viability is a consideration does not mean it is the only determining matter.
- 9.51 Adopted Development Plan Document 2006 Policy AH1 seeks 40% Affordable housing and policy DM24 of Maidstone Borough Local Plan Regulation 18 Consultation 2014 seeks 15% affordable for previously developed land in urban area. Also policy ID1 (Infrastructure delivery) of Reg 18 gives a list of Council's priorities. These policies also recognise that the capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site economic viability analysis. If an applicant suggests that a development cannot afford to be policy compliant, they will be expected to submit a development appraisal as justification.
- 9.52 The applicant has stated that the proposal would not be viable if the £2.7m financial support is to be afforded to the Maidstone TV Studios, as well as providing policy compliant affordable housing at 40% (equal to 30 dwellings), 100% planning obligation request, amounting to £798,167 (comprising contributions towards open space, primary and secondary education, libraries, adult education, youth, social services, NHS and Vinters Park) and to achieve Code for Sustainable Homes Level 4.
- 9.53 In support of their assertion a viability statement has accompanied the application which has been scrutinised by an external consultant (District Valuer) appointed by the Local Planning Authority.
- 9.54 After extensive assessment the accuracy of some data contained in the viability statement was challenged and following 4 months of discussions between the District Valuer, the applicant's representatives and the Council Officers; the District Valuer produced his report.
- 9.55 The DV took account of the built costs, sales value, contingency and professional fee, incorporated all the associated costs, a profit level of 17.5%, affordable housing, section 106 contributions and the cost of achieving Code for Sustainable Home Level 4.

- 9.56 The DV's report confirmed that the development would be viable and capable of providing £2.7m future investment towards the Maidstone TV Studios, 21% affordable homes (equal to 16 dwellings), £110,000 contribution toward S106 and achieving Code for Sustainable Home level 3. In the opinion of the DV seeking any further obligation would make the scheme unviable.
- 9.57 The principle of support for Maidstone TV Studios due to its uniqueness and important contribution it makes to Maidstone was established by the grant of planning permission for the 142 dwellings and the associated legal agreement in 2009. Members' attention is drawn to part 8 of this report and the terms of the 2009 legal agreement which accepted the principles of the proposals not being policy compliant.
- 9.58 In the light of the importance of the Maidstone Studios on the economic landscape of Maidstone, Maidstone Borough Council's Economic Development team support this application. Members are referred to section 6.07 of this report.
- 9.59 In addition paragraph 21 of NPPF that came into force since 2009 encourages Local Planning Authorities to draw up plans and policies that sets out clear economic vision and strategy for their area for sustainable economic growth and provide support for existing business sector, taking account of whether they are expanding... identify strategic sites, plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries.
- 9.60 It is considered that the Maidstone TV studios is an important high tech knowledge base and creative centre, that provides business opportunities for other local businesses like hotels, restaurants, taxies, etc. as well as providing Higher Education opportunity in Maidstone. The TV Studios contribution to the local economy and Higher Education is vital to the medium and long term economic growth of Maidstone. Due to this very special contribution that Maidstone TV Studios makes to Maidstone it is considered that very special circumstances exist to support the TV studios by the £2.7m investment proposal that would help to facilitate Higher Education places in Maidstone.
- 9.61 Having regard to Council's infrastructure priority listed stated in policy ID1 of Maidstone Local Plan Reg 18. Affordable homes is at the top of the list followed by Transport, Open Space, Public realm, Health, Education, ....
- 9.62 Every attempt has been made to maximise the number of affordable homes on this site. It is considered that 16 affordable dwellings (21%) is the maximum that could be achieved on this site and the Council's Housing Department are satisfied and have requested that these to be for rented and not shared ownership.
- 9.63 The works associated with transport will be dealt with under section 278 of the Highways Act and no contribution is sought in this regard and a planning condition will deal with this issue. With regard to Open Space it is felt that the

future residents of this site would most likely use facilities at Vinter Park rather than facilities some distance away; for this reason it is considered more appropriate to comply with the contribution requested by Vinter Park Trust for £25,000 than the contribution sought by MBC Leisure and Parks .

- 9.64 Also as there is no contribution request for any public realm works the next priority is NHS; and NHS should receive the requested £79,992.00 contribution, with the outstanding sum of £5,108 going towards primary education.
- 9.65 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements.

## **Conclusion**

- 9.66 At the heart of NPPF is a presumption in favour of sustainable development. Sustainable development is about positive growth, making economic, environmental and social progress for this and future generations.
- 9.67 The NPPF states that with a presumption in favour of sustainable development means that where the development plan is absent or out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.68 This proposal will deliver much needed mix of house sizes, types and tenure required to meet the needs of a mixed community in a quality an attractive environment.
- 9.69 The development will assist in delivering infrastructure and enable the TV Studios to invest and deliver a greater contribution to the economy and vitality of Maidstone as well as ensuring availability of the TV studio facilities to the University of the Creative Arts for Higher Educational opportunities for now and the future generation in Maidstone.
- 9.70 Similar to the 2009 permission, this application is not policy compliance; however, it is considered the TV Studios is in a unique position by providing business opportunities for other local businesses like hotels, restaurants, taxis in Maidstone. In addition, the TV Studios close involvement with the University of Creative Arts provides higher education facilities and opportunities in Maidstone that would not be available otherwise; these are considered significant enough justification to support this application. As such, it is recommended that planning permission be granted for this development subject to a section 106 legal agreement and planning conditions as set out below.

## 10.0 Recommendation

Subject to the prior completion of a legal agreement in such terms as the Head Services may advise, to provide the following:

- A) Investment of £2.7m by the Maidstone TV Studios (Media City) during 2015 and 2016 in projects specified under a legal mechanism to be agreed between legal representatives of the Council and the owner(s) of Maidstone TV Studios. (It is envisaged that the mechanism will follow the principle of the 2009 legal agreement).
- B) Provision of 21% (equal to 16 dwellings) affordable homes for 100% rented and these to be delivered prior to occupation of 25% of the market dwellings.
- C) Submission of a travel plan within 6 months from the date of the implementation of this permission. The travel plan shall provide details of and include the following:-
- Car and any coach parking provision within TV Studio (Media City) site.
  - Details of a shuttle bus facility from TV Studio to the local park and ride facility for when shows with audience are recorded.
  - Measures to prevent staff and visitors to the TV Studio parking their vehicles within the application site.
- D) Payment of £25,000 to Vinters Park Trust to improve the wildlife protection and the nature's visitor facilities.
- E) Payment of £79,992.00 to NHS for healthcare contribution to invest in a number of local surgery premises:
- Grove Green Medical Centre
  - St Lukes Medical Centre
  - Brewer Street Surgery
  - Bearsted Surgery
  - The College Practice
- F) Provision of £5,108 to Kent County Council towards Primary Education plus support for KCC legal costs in connection with securing this contribution.

The following planning conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 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 hereby permitted shall be carried out in accordance with the following approved plans:

Plans 5988 01 Rev I, Plans 5988 03 Rev A, Plans 5988 10 Rev A, Plans 5988 11 Rev B, Plans 5988 12 Rev A, Plans 5988 13 Rev A, Plans 5988 14 Rev A, Plans 5988 15 Rev B, Plans 5988 16 Rev A, Plans 5988 17 Rev A, Plans 5988 18 Rev A, Plans 5988 19 Rev C, Plans 5988 20 Rev B, Plans 5988 21 Rev A, Plans 5988 22 Rev A, Plans 5988 23 Rev B, Plans 5988 24 Rev A, Plans 5988 25 Rev A, Plans 5988 26 Rev A, Plans 5988 27 Rev B, Plans 5988 28 Rev A, Plans 5988 29 Rev A, Plans 5988 30 Rev B, Plans 5988 31 Rev A, Plans 5988 32 Rev A, RD1544-GA-100, RD1544-GA-101, RD1544-GA-102, 10073-D-02REV-02, Planning Statement, Design and Access Statement, Viability Statement, Arboricultural Implementation Assessment and Method Statement 30 May 2014, Archaeological Evaluation Desk top Based Assessment November 2005, Sustainability Statement June 2014, Site appraisal+ Landscape Strategy June 2014, Transport statement April 2014, Flood Risk Assessment Report April 2014, Geological Desk study and walk over survey March 2014, Statement of Community involvement, Phase 1 Habitat Survey External Building Assessment for Bats February 2014. Received 16/06/2014, 07/10/2014 10.02.

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

(3) No Construction of the residential dwellings shall proceed above damp course level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall 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.

(4) Prior to the commencement of the development, details of the proposed slab levels of the building(s) and the existing site levels shall be 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.

(5) No Construction of the residential dwellings shall proceed above damp course level until, details of all fencing, walling and other boundary treatments shall 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 building(s) 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.

(6) The approved details of the garaging, parking/turning areas shall be completed before the commencement of the occupation of the dwellings 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 (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.

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E, F and H, Part 2 Class A and Part 25 Classes A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

(8) No Construction of the residential dwellings shall proceed above damp course level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including landscaping for the highway verge of New Cut Road adjacent to the application using indigenous species which shall include:

- Notwithstanding the details submitted to date, the provision of tree and low shrub planting across the site using native species;
- The use of a range of natural flowering and berry bearing species of trees;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles. 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.

(9) 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.

(10) The development hereby permitted shall not be occupied until 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 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.

(11) Prior to commencement of any construction works in association with the development hereby permitted, 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.

(12) No Construction of the residential dwellings shall proceed above damp course level 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 kerb-stones/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 in compliance with NPPF.

(13) No Construction of the residential dwellings shall proceed above damp course level 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. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

(14) No Construction of the residential dwellings shall proceed above damp course level until a scheme to demonstrate that the internal noise levels within the

residential units to the north of the site will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in compliance with NPPF.

(15) The approved contamination remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination to the future occupiers of the dwellings and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To comply with NPPF and to ensure that risks from land contamination to the future occupiers of the dwellings and neighbouring land are minimised and to prevent unacceptable risk to Controlled Waters as the site is located over a Secondary Aquifer on Sandgate geology.

(17) Upon completion of the decontamination works, a closure report must be submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment.

(18) Prior to the commencement of the development hereby permitted, details of dwarf ragstone walls or other means of enclosure to be erected along the back edge of pavements and other open space areas adjacent to roadways and amenity area within the site sufficient to prevent the use of the open space and grassed areas as overflow car-parking, shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and maintained thereafter.

Reason: To prevent harm to the visual appearance and landscaped setting of the site is maintained pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

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

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

(20) None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

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

(21) The development shall not commence until details of foul, soakaways and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

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

- i. A new zebra crossing on New Cut Road and the removal of the existing dropped kerbs on the northern side of the junction with Grovewood Drive.

- ii. New dropped kerb crossings and tactile paving provided on Grovewood Drive at its junction with New Cut Road, including tactile paving on the existing splitter island.
- iii. Provision of bus boarders at the 2 bus stops closest to the development site on Grovewood Drive.

Reason: In the interests of highway safety.

(23) Prior to the commencement of the development hereby permitted details in respect of the followings shall be submitted to and approved in writing by the Local Planning Authority:-

23.1. A Construction Management Plan prior to the commencement of the development and subject to the approval of KCC Highways.

23.2 Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

23.3 Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

23.4 Provision of measures to prevent the discharge of surface water onto the highway.

23.5 Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

23.6 The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority

Reason: In the interests of highway safety and amenity of the area.

(24) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of the flat block building without the prior approval in writing of the local planning authority;

Reason: To preserve the integrity of the design of the development.

(25) The dwellings shall achieve at least Level 3 Code for Sustainable Homes. No dwelling shall be occupied until a final code certificate has been issued for it certifying that code level 3 has been achieved.

Reason: In the interests of sustainability.

(26) Prior to the commencement of the development, a scheme to reduce vehicle emissions shall be submitted and approved in writing by the LPA. The scheme shall include the following:

- A minimum standard and/or alternative fuelled vehicles for delivery and HGV vehicles to the development during construction shall be considered.
- Consideration of electric vehicle charging points in line with guidance from the Government (Jan 2011) encouraging this on new developments.

Reason: In the interests of protecting public health and accordance and protection air quality.

(27) Prior to the commencement of the development, details of provision within the site to accommodate operatives' and construction vehicles loading/off-loading and turning and for the parking for site personnel/operatives/visitors shall be submitted to and approved by the local planning authority. The subsequently approved details shall thereafter be implemented and maintained until the construction phase of the development has been completed.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety pursuant to policies T13 and T23 of the Maidstone Borough-Wide Local Plan 2000.

(28) 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 enable the recording of any items of historical or archaeological interest pursuant to NPPF.

(29) No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

(30) Prior to the commencement of the development, a further bat survey of the site to include an assessment of roosting, commuting and foraging bats shall be undertaken and the subsequent assessment report shall be submitted to and approved in writing by the local planning authority. The submitted report shall also inform the detailed design for lighting of the housing estate and locations of bat boxes as well as bird boxes to be placed within the site pursuant to condition 29 of this permission.

Reason: In the interests of conservation of local wildlife, ecology and biodiversity of the area.

INFORMATIVES

## Planning Committee Report

1. No development shall take place until the applicant has made arrangements for an archaeological "watching brief" to monitor development ground works and to record any archaeological evidence revealed.

2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary application pack.

3. 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 such 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.

4. All vegetation and site clearance must take place outside of the bird breeding season (March – August). If that is not possible an experienced ecologist must examine the site prior to works starting and if any breeding birds are present all works must cease in that area until young have fledged.

Case Officer: Majid Harouni

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.

No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.