

REPORT SUMMARY

REFERENCE NO - 14/504795/FULL		
APPLICATION PROPOSAL Erection of 30 no. open market homes and associated garaging, and erection of 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom		
ADDRESS Land to the South Of Cross Keys, Bearsted, Kent		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Councillor Val Springett objects to the application and has requested the application be reported to Committee for the reasons set out below. Councillor Mike Cuming objects to the application and has requested the application be reported to Committee for the reasons set out below. Bearsted Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Country House Developements AGENT Mr Guy Osborne
DECISION DUE DATE 06/02/15	PUBLICITY EXPIRY DATE 06/02/15	OFFICER SITE VISIT DATE 4/12/2014

1.0 This application was deferred at 19 March 2015 Committee meeting due to forthcoming legal advise regarding KCC comments and due the extended consultation date going beyond the date of the planning committee.

1.01 For clarity this is a fresh report and includes the urgent updates for the 19 March committee and additional correspondence from consultees.

2.0 RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

2.01 There is some planning history at this site. Including 1972 and 1967 applications for residential development which were refused.

- 67/0284/MK3 – Refused
- 72/0035/MK3 – Refused
- 88/1670 – Refused
- 89/0469 - Refused
- 11/1909 - Erection of a detached dwelling – refused for the following reasons.

'The development is considered to be contrary to PPS7 and Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 in that the dwelling would constitute additional sporadic development in the countryside and erode the open space between the existing dwellings. The development is therefore unacceptable in principle'. Dismissed at appeal.

- 13/1708 – Outline application for the erection of 39 dwellings including new access road, garaging and parking with the matters of access and layout to be considered at this time and all other matters reserved – Withdrawn by the applicant.

2.02 This site was submitted and assessed in the 2013 Call for Sites/SHLAA exercise (reference H1-18). The officer conclusion was that the site was suitable for development as set out below:

2.03 *'Following the consideration of the issues raised above, the sustainable location and its close relationship to the urban residential area to the west, I consider that the site is suitable for development.*

2.04 *The site has some landscape importance locally and includes a number of established trees and planting, particularly concentrated to the western side of the site. This site also forms an important transitional space between the urban area of Bearsted to the west and the less developed area of Cross Keys to the east. As such, care would need to be taken in any design to ensure key elements of the character of this area are retained. The River Len also flows through this site and so the residential layout would need to allow sufficient spacing for this to mitigate the flood risk.*

2.05 *Similarly, the density of any residential development would need to be appropriate to be sympathetic to this character. Our development matrix indicates a density of 35dph for a site in this urban periphery location. However, due to the transitional character of this site and its existing constraints which are present to the western side of the site, I consider that a density of 30dph would be more appropriate.*

2.06 *As such, I recommend that the site is accepted for development'.*

2.07 The site was subsequently recommended for inclusion in the Reg. 18 Consultation draft of the Maidstone Borough Local Plan. However, at the meeting of the Cabinet on 24 February 2014 Members rejected the site for the following reasons:

- Flooding issues – Occupation of the site would have an unacceptable impact on hydrology and local flood risk.

- 2.08 The site was resubmitted for consideration during a further call for sites with additional information submitted to address the flooding issues raised by Members previously. Council officers were of the opinion that the additional flooding information (submitted by flood professionals following discussions with the Environment Agency) successfully overcame the previous reasons for rejecting the site and subsequently recommend the site for inclusion in the Reg.18 Consultation draft provided that:
- 2.09 *'The Environment Agency are satisfied with the Flood Risk and Hydrology Assessment that has been undertaken (which I understand that they are) and that the long term management of and appropriate public access to the undeveloped areas of the site can be secured, in principle, development is considered acceptable'.*
- 2.10 However, at the meeting of the Cabinet on 28 February 2015 Members rejected the site for a second time, for the following reasons:
- Flooding issues
- 2.11 The site is not therefore allocated in the Reg. 18 Draft Maidstone Borough Local Plan.
- 2.12 Allocated sites nearby:
- Site H1(17) Barty Farm, Thurnham, located on land to the north of Roundwell and east of Water Lane has been allocated for 122 new residential units as agreed by Cabinet on 2 February 2015 subject to, inter alia,
 - Appropriate contributions towards community infrastructure will be provided, where proven necessary.
- 2.13 Barty Farm site allocation has been agreed at Cabinet and will now move forward into the Regulation 19 document. The site at Barty Farm is located some 300m from the application site at Cross Keys.

MAIN REPORT

DESCRIPTION OF SITE

- 3.0 The site comprises a strip of land located to the east of Cross Keys and to the west of Sutton Street and to the south of The Street / Roundwell. The site borders the urban boundary of Bearsted village (Cross Keys and The Street) and is located within the countryside location and Special Landscape Area, for the purposes of the Local Plan 2000. The site is also located within an area of Archaeological Importance with the remains of Mott Hall, located in the south western section of the site adjacent to the Lilk stream.
- 3.01 An ordinary water course known as the Lilk flows broadly north to south across the site and is culverted under Roundwell. An ordinary water course flows from east to west and joins the Lilk approximately in the centre of the site. The Lilk continues south for approximately 1km where it joins the River Len. The site has a flat plateau area running through the middle with The Lilk stream. To the west of this the land rises sharply in places to its boundary with Cross Keys and to the east there is a gentle rise to the rear of the properties located on Sutton Street.

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- 3.02 The land is largely not maintained and includes areas of established grassland and established trees and planting. In the past the grassland has been used for grazing horses and sheep.
- 3.03 The north, east and west of the site are bordered by built development while the area to the south has a more rural character.
- 3.04 The urban boundary of Bearsted is located to the west and north of the site, comprising residential properties in Cross Keys and The Street. The area to the east of the site also comprises residential properties. These properties front Sutton Street with their rear gardens generally backing onto the application site. The residential development along Sutton Street is mainly located along the west side of the street with some sporadic development along the eastern side. The western side of Sutton Street has a much more built up character than the eastern side with a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn Roundwell, with more sporadic residential development further south. Sutton Street and the area to the east are located within the open countryside with Gore Cottage; a grade II listed building with holiday lettings located in the grounds. Sutton House and barn, a grade II listed building is located on the west side of Sutton Street.

4.0 PROPOSAL

- 4.01 Erection of 50 dwellings in total, 30 no. open market homes and associated garaging and parking spaces, and 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom.
- 4.02 The application site can be broadly divided into four sections.
- 4.03 An existing block of 24 garages located on the southern side of Cross Keys are proposed for demolition and would be replaced by two rows of terraces houses, comprising seven one bed houses in total with associated off-street parking. Plots 47 to 50 comprises a terrace of single storey one bed bungalows formed of facing bricks, plinth brick detail, exposed rafter feet, timber fenestration, and slate tiles. Plot 44 to 46 comprises three two storey one bedroom units. The terrace would be formed of facing brickwork with timber weather board and hanging tiles above, timber fenestration and clay roof tiles. All seven units would be provided private amenity area at the rear. Eight off-street parking spaces are proposed to the side and front of the houses. These seven houses would all constitute affordable housing.
- 4.04 The existing 16 bay garage court located to the south of Cross Keys (behind nos. 69 to 72 Cross Keys) would be replaced with a new 15 bay garage court and a purposes built store room serving the youth football club, located adjacent the site.
- 4.05 The eastern side of the main site would be developed with 43 houses, comprising a mix of two storey terrace and detached properties with garages and off road parking. A new vehicle and pedestrian access would be formed into the site from Cross Keys. The new vehicle access would bridge over The Lilk stream and connect to two main ancillary roads at a centralised junction, with further roads stemming off the these ancillary roads.
- 4.06 In the north eastern section of the site a row of five detached houses (Plot 29, 30, 40, 41 and 42) would be afforded frontage onto the access road and over the public open spaces located to the west. The most northern property (Plot 43) would be located

at the end of the access road with orientation toward The Street and the western side of the site. Behind the five frontage properties is an L-shaped terrace of nine two storey houses (Plots 31 to 39) which would be served by a separate access. Parking for these properties would mainly be within a courtyard at the front with two additional parking spaces to the side of Plot 34 via an undercroft. 16 parking spaces would be provided in total for the nine houses. These nine properties would constitute affordable housing comprising a mix of two and three bed units each with their own private outdoor amenity space. (Plots 26 to 28) would front onto a separate shared access road and an area of public open space adjacent to The Lilk stream. Properties would be a variety of designs which are utilised in other areas of the site. Materials include facing brick, tile hanging, weatherboard, clay and slate roofs and timber fenestration.

- 4.07 Plot 25 would be a barn style development located on the eastern side of the site behind Sutton House and The Barn at Roundwell. This property would be afforded access via Sutton Street over a shared access located adjacent Sutton House. This is the only property which would be afforded access via Sutton Street. However, Sutton Street would also afforded emergency access to the site via Plot 25 and a bollarded route.
- 4.08 The southern section of the proposed built development would be served by a curved access road. The houses in this section of the site would mainly be detached properties save for a row four terrace houses (Plots 4 to 7) which would accommodated the remaining affordable housing. All the houses would present onto the access roads with three or four different property designs utilised throughout this section of the development. Materials include facing brick, tile hanging, weatherboard, clay and slate roofs and timber fenestration which are used throughout the whole site.
- 4.09 The western section of the site would remain undeveloped with an area of public open space provided between The Lilk and the housing development. On the western side of The Lilk an area of wetland would be retained for water retention and an ecology park, containing ponds and reed beds for water filtration. To the south of the proposed access bridge the woodland area would remain untouched save for a new pedestrian footpath which link the site up to the Bearsted Woodland Trust parkland and run through the site joining Sutton Street and Roundwell. A number of information boards would be erected explaining the history and ecology of the site.
- 4.10 Cross Key road would be re-aligned / widen to include nine new parking car parking spaces at the front of nos. 3 to 10 Cross Keys. The road would be widened by removing a section of the existing pavement / grassed area on the western side of the road. The nine new parking spaces would be located in the widen section of the road allowing for two lanes of passing traffic adjacent the parking spaces.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, ENV26, ENV27, ENV28, ENV34, ENV49, T13, CF16.

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP2, SP5, H1, H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM13, DM23, DM24, DM30.

6.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site on 4th December 2014.

Some 124 objections have been received from local residents. The following issues were raised:

- Flood risk – the site is a flood plain
- Highways safety and traffic congestion
- Parking provision
- Impact on archaeological remains
- Impact on the landscape / environment
- Impact on site ecology / wildlife
- Impact on local schools and doctors – lack of spaces
- Impact on the open countryside and Special Landscape Area
- Urban sprawl
- Misapplication of the flooding sequential test
- Impact on Sutton Street and nearby listed buildings
- Location of the emergency access
- Contrary to the Green and Blue Infrastructure Strategy
- Impact on local amenities
- Pastiche housing design
- Poor location of new garages
- Overdevelopment of Bearsted
- Density of the development
- Inaccurate points made in the Design and Access Statement regarding the location of the site to local shops and Maidstone
- Impact on sewers
- Loss of open space
- The site has been omitted from the draft local plan
- Loss of a view
- Overlooking / loss of privacy
- Loss of public access
- Loss of amenity space
- Cumulative impact with Barty Farm development
- Maintenance of SUDs
- Affordable housing not integrated
- Impact of construction traffic (non material planning consideration)
- Minor design alterations do not overcome in principle objections.

6.01 Prior to the committee meeting on 19 March some 20 additional neighbour representations were received. All previous objections still stand additional comments include:

- Minor design alterations do not overcome in principle objections
- Cost of removing the silt from the stream
- Bearsted Woodland Trust is unlikely to allow the footpath link to their land
- Amount of cement and CO2 required during construction process
- Access for construction vehicles

6.02 Cllr Springett has objected to the proposal for the following (summarised) reasons:

- The site is not in a sustainable location in terms of schools, doctors, SUDs and future maintenance.
- Development in the open countryside
- Visually intrusive long range views of the North Downs and AONB
- Flood risk
- Impact on the character and setting of Sutton Street
- Impact on listed buildings
- Maintenance cost of the non developed sections of the site
- To few replacement garages proposed and inconveniently located
- Insufficient parking provision
- Vehicle tracking is inaccurate
- Provision of affordable housing
- Concerns regarding the long term maintenance of the site and requests that if this application is approved, that a requirement for a Bond be taken out be conditioned, to cover failure of the proposed maintenance scheme, which includes the SUDS schemes incorporated to alleviate potential flooding.

6.03 Councillor Cuming has objected to the proposal for the following (summarised reasons):

- Flood report is un-representative due to the date of the survey
- Impact on local infrastructure
- Impact on local schools and doctors surgeries
- Vehicle safety at the point of access
- Sutton Street is not suitable for use as an emergency access

7.0 CONSULTATIONS

7.01 **Bearsted Parish Council:** objects to the application on the following grounds:

'Bearsted Parish Council objects in the strongest possible terms to this application for the reasons that the proposal will:

1. be contrary to the policies of the NPPF and to saved policies ENV 22, ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000 because it will comprise unsustainable and inappropriate greenfield development in an edge-of-town, semi-rural area that will do great harm to the setting of Bearsted and seriously erode the sensitive open countryside between Bearsted and Leeds Castle, the protection of which was fundamental to the Secretary of State's emphatic rejection of the KIG appeal in 2010;

2. destroy forever the historic and semi-rural setting of Sutton Street, Bearsted's oldest street, and seriously harm the setting of several nearby 'listed buildings';

3. create potentially insuperable land drainage and flooding problems related to not only the application site but also to the surrounding areas because the application site functions as a 'conveyor' of substantial volumes of surface water draining from the North Downs and the M20 in the north to Majors Lake and the Lilk Stream to the south;

3. create additional traffic flows in Sutton Street and Cross Keys and into Roundwell which will cause additional hazards to existing traffic movements and be detrimental to the amenities of local residents with regard to congestion and pollution;

4. have a serious detrimental impact upon the sensitive ecology of the wetland area within the site.

In addition, the Parish Council is very concerned about the shortage of places at local infant and junior schools. A recent FOI request to KCC has revealed that between 2009 and 2014, 341 Bearsted children failed to obtain their first choice at such schools and a further 271 failed to secure their second and third choices. Consequently, many Bearsted children are currently having to be sent to schools as far away as Cranbrook, Harrietsham and Sutton Valence which is a totally unacceptable situation.

As this planning application is proposing family housing, it is inevitable that this will create yet further pressure on local schools which cannot be met as there are no proposals in the pipeline for local schools to expand or for new ones to be built.

Bearsted Parish Council will wish to send a representative to address the Borough Council's Planning Committee when this planning application is considered'.

8.0 Environment Agency: No objections.

8.01 *'We have reviewed the information submitted and have no objection to the proposed development but request the following 6 conditions be included in any permission granted:*

8.02 **CONDITION:** *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.*

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

8.04 **CONDITION:** *The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:*

1. *Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)*
 2. *The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)*
 3. *Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
 4. *Provision of compensatory flood storage (for the bridge piers) on the Liik, as detailed in section 5 of the FRA and Appendix 12.0.*
 5. *Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.*
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by*

the local planning authority.

8.05 **Reasons:**

1. *To reduce the risk of property flooding to the proposed development and future occupants*
2. *To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.*
3. *To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*
4. *To reduce the risk of flooding from blockages to the existing culvert (s).*
5. *To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.*

8.06 **CONDITION:** *No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:*

- *The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.*
- *Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.*
- *Details of how the overall scheme shall be maintained and managed after completion*

8.07 **Reason:** *To prevent the increased risk of flooding, both on and off site.*

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

1) *A preliminary risk assessment which has identified:*

- *all previous uses*
 - *potential contaminants associated with those uses*
 - *a conceptual model of the site indicating sources, pathways and receptors*
 - *potentially unacceptable risks arising from contamination at the site.*
- 2) *A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 3) *The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

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

- 8.09 **Reason:** *For the protection of Controlled Waters. The site is located over a Principal Aquifer and insufficient information has been provided to assess the potential for contamination to be present.*
- 8.10 **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.*
- 8.11 **Reason:** *There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.*
- 8.12 **CONDITION:** *Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.*
- 8.13 **Reason:** *Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.*

9.0 KCC Economic Development:

- 9.01 *'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'.*
- 9.02 Primary Education Provision: £2360.96 per applicable house (x43) = £101,521.28 towards the enhancement of teaching space at South Borough Primary School.
- 9.03 *'The proposal gives rise to 13 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.*
- 9.04 *This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having*

regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.'

9.05 Secondary Education Provision: £2359.80 (x43) = £101,471.40 towards the enhancement of teaching space at Maplesden Oaks School.

9.06 *'The proposal is projected to give rise to 9 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.'*

9.07 Youth Services: Youth equipment £1589.00 - required for the new residents of this development alone (supplied centrally to Infozone Youth Hub for use and distribution locally).

9.08 *'Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area.'*

9.09 Libraries Contribution: £2400.79 towards library bookstock for the new residents of this development alone (supplied to Bearsted Library).

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

9.11 Additional comments from KCC Economic Development:

9.12 *'The four schools listed [Thurnham COFE Infants, Roseacre Junior School, Madginford Park, St Johns COFE Primary] are unable to be expanded further due to restrictions in site area and other constraints.'*

9.13 *As you might appreciate, the Governments decision recently (26 Feb 2015) not revoke the 5 obligation restriction under CIL Reg 123 (as recommended by the Commons Select Committee) will place further pressure on service providers, not just KCC, when trying to gauge which developments can deliver or contribute towards the delivery of a project.'*

9.14 *The new Langley Park Primary School will be delivered in 2 phases. The first phase (240 places) will be delivered using the 4 obligations already secured with the 5th being Bicknor Wood. KCC will then need to secure a further 5 obligations from large developments within the area to deliver the second phase (a further 180 places).'*

9.15 *Due to 5 obligation restriction KCC is unable to use the small contribution this development will generate towards Langley Park for the reasons outlined above, therefore should the development proceed additional places will have to be provided elsewhere. A review of the most appropriate school to provide these additional places has been conducted and it is proposed that contributions from this development should be directed towards the expansion of South Borough Primary School. As this involves the expansion of an existing school as opposed to a new build the contribution requirement for this application will reduce to £2360.96 per applicable house (x43).'*

10.0 Paul Crick Director of Environment, Planning and Enforcement: Objects on behalf of the Education Planning & Access department (received 5/02/2015). Objections summarised as below:

- Contrary to para. 38 and 72 of the NPPF
- Detrimental impact of the development on sustainable local education provision would not be outweighed by the contribution to housing land supply.
- Pressure on primary schools places in Maidstone East
- Significant demand for pupil places will require the expansion of more than one school
- The quantum of development in this application does not justify a new school
- The primary schools within the local area are not capable of accommodating the forecast pupil demand.
- Expansion of local schools is restricted by building and site constraints and availability of land
- Increased need to travel to schools further afield and cost of travel

10.01 Additional comments received from Paul Crick dated 31 March 2015: further objections from KCC Education Planning & Access (EPA) summarised as follows:

- Planning Committee report is incorrect
- KCC Education Planning & Access object to the proposal
- The impact of the development would be detrimental to sustainable local Education provision.
- Contributions sought by KCC Economic Development to mitigate impacts of development.
- Comments from KCC Economic Development should not be misconstrued as a notion of support or objection to the principle of development

11.0 KCC Highways: No objections.

11.01 *'The applicant has demonstrated that the traffic generated from this proposal can adequately be accommodated on the surrounding public highway network. A robust analysis has been undertaken using future year forecasts. I note that apart from the bell mouth entrance onto Cross Keys, the internal roads are to remain privately managed. The development comprises three elements namely:-*

One unit constructed off Sutton Street

42 units constructed off Cross Keys and

7 units replacing garages adjacent to Cross Keys

11.02 *It is noted that an emergency access route of 2.5m width off Sutton Street is proposed and it is considered that the views of the Kent Fire and Rescue Service in relation to paragraphs 6.7.2 and 6.7.3 of the Department for Transport's Manual for Streets, should be sought. It is my understanding (although fire engine tracking has been provided) that the emergency access route width of 2.5m is insufficient. It is also unclear why the access road off Cross Keys is 5.750m wide, although it is suspected that this may be for traffic movement and management during potential bridge maintenance periods.*

11.03 *I have undertaken a study of the car parking provision proposed and confirm that this closely accords to Kent guidance given in Interim Guidance Note 3. I consider that the car parking allocations proposed are acceptable. This also applies to the 7 units proposed replacing garages adjacent to Cross Keys. Should this application be*

approved the crossover and integration with the Cross Keys public highway required for the construction of these units will necessitate the applicant to enter into a Section 278 agreement with this authority. This is also required for the interface of the main access road proposed.

- 11.04 *I note that a sustainable drainage system is proposed for this site and it is considered important, for the ongoing performance of these systems, that a management plan is devised. A robust sustainable funding mechanism for the maintenance of private roads and structures will also be necessary’.*
- 11.05 The agent provided further information (email dated 12.012.2014) to KCC Highways following their initial comments.

KCC subsequently provided the following highways response:

- 11.06 *‘I would recommend that the views of Kent Fire and Rescue Service are obtained to ensure that they are happy with the arrangements. Subject to this and my previous comments regarding S278 agreement(s), I confirm on behalf of the Highway Authority that I have no objection to this application’.*
- 11.07 *‘At Cross Keys it is considered that there are sufficient redundant road space opportunities to allow for alternative swept path access and egress to be undertaken in a satisfactory way that would not be overly onerous. Design details would be agreed in an S278. Details of the pedestrian access onto The Street can be addressed via an S278’.*

12.0 KCC Archaeology: No objections

- 12.01 *‘The site contains the remains of Mott Hall, a possible post medieval or earlier small holding which utilised channels of the River Lilk. Associated with this establishment are considerable earthworks, including a possible moat and linear pond. The site has been subject to two phases of archaeological deskbased and fieldwork investigations by Canterbury Archaeological Trust. The reports have been deposited on the HER and are provided as supplementary information as part of this application.*
- 12.02 *The developer has revised the scheme to the benefit of the heritage of the site. These revisions, which included a revised access road, are very welcome and should ensure that the remains of Mott Hall are conserved, understood and enjoyed by the community. They will form part of the ecology park and I welcome the proposals for interpretation panels. I do not entirely agree with the wording of the interpretation panels and would like the opportunity to discuss a few amendments but this could hopefully be achieved post consent.*
- 12.03 *The main housing development and infra-structure may disturb archaeological remains and as such it would be appropriate for a programme of archaeological works to take place prior to and/or during construction work and there needs to be mechanisms in place to secure heritage interpretation on site.*

13.0 KCC Ecology: No objections.

- 13.01 *‘The Ecology Phase 1 Habitat Survey and Reptile Survey and Habitat Creation and Woodland Management reports have been submitted in support of this application. The potential for ecological impacts has been identified and the presence of reptiles on the site has been confirmed.*

We advise that:

- *The principles of the proposed reptile mitigation are sufficiently acceptable to satisfy Maidstone BC that there is scope for securing adequate mitigation and that this should be a condition of planning, if permission is granted. We would expect a detailed mitigation strategy to incorporate all areas of potentially suitable habitat, and include an adequate number of translocation visits, informed by good practice guidelines;*
- *The measures recommended in the report to minimise the potential for impacts to nesting birds should also be secured within the mitigation strategy;*
- *The development and implementation of a detailed long-term habitat management plan for the woodland and retained grassland areas should be secured by condition, if planning permission is granted;*
- *There is potential for bats to use the site, i.e. roosting in the woodland, but also foraging and commuting over the grassland area and field boundaries. We advise that bat surveys, carried out by a suitably experienced and licensed bat ecologist will be necessary to inform the development of the proposed habitat management plan, particularly as it is stated in the Habitat Creation and Woodland Management report that there are 'unsafe' trees present that will be felled;*
- *Detailed (NVC) surveys of the areas of the retained woodland and grassland habitats would provide a suitable baseline with which to inform the proposed habitat management plan;*

13.02 Further information was submitted to KCC indicating that the surface under the bridge is intended to be left as a natural habitat including confirmation that there will not be any construction surface or man-made materials.

Overall KCC Ecology raised no objections as a result.

14.0 KCC PROW: *'I note that this development proposes a new footpath link which would be fully supported by this office as an improvement to the current network. Please ensure the new route provides a pedestrian link between Cross Keys and the current alignment of Public footpath KM75. Also please ensure the proposed footpath is legally "dedicated" through Section 25 of the Highways Act as a Public Footpath. Also its construction should be in keeping with other paths in the existing park. Full consultation regarding the new path design must be completed with KCC PROW and Access and the Trustees of the Bearsted Woodland Trust.*

14.01 *Furthermore I note that whilst the Public Rights of Way in the area are generally in good condition, the development will increase the number of local residents using the routes. I suggest the addition of two handrails for the slope steps on PROW KM75 shown on the map between the footbridge and Gore Cottage would be a useful safety enhancement.*

14.02 *I have attached a copy of the PROW development tariff. From this I calculate funding needed for the legal costs involved in a creation agreement would be around £1000 and construction and future maintenance of a new handrail would be £400. I would ask that these projected costs be included in any Section 106 contribution to KCC PROW and Access service.*

*If the points made above are considered then I have **no objection** to the application'..*

15.0 NHS: *'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure*

will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Bearstead Medical Practice
- The Spires Surgery (Downswood)

15.01 *The above surgeries are within a 2 mile radius of the development at Cross Keys. 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.*

15.02 *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)
3.5	30	105	£37,800

NHS Property Services Ltd therefore seeks a contribution of £37,800.'

16.0 MBC Housing: *'The development is for a total of 50 units with the applicant proposing 40% affordable housing which equates to 20 affordable units.*

Andrew Connors, Housing & Communities Funding Manager, has been in consultation with Country House Developments with regards to the affordable housing provision for this site.

The affordable provision is for the following size and tenure split:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	7	7	0
2 Bedroom	10	5	5
3 Bedroom	3	1	2
Total	20	13	7

This is as agreed with Andrew during their discussions.

The area of the site has been extended to include the garage site at Cross Keys, which we would consider as off-site provision. We always expect affordable housing

to be delivered on-site and off-site provision is only considered and allowed in exceptional circumstances.

However, Housing can confirm that we are happy with the proposals for this development, given:

- The affordable units being provided on-site provide a good range of accommodation and are only short by 4 units of which would normally be required.*
- The remaining 4 units are being proposed to be delivered on a site immediately adjacent of which is therefore in the same locality.*
- As the development consists of mainly larger family type housing (70% of which are 4 bedrooms or greater) a better mix of affordable units can be achieved to meet identified housing need by providing the 7 x 1-bed units at Cross Keys.*
- The proposal is actually generating an additional 3 affordable units of which would normally be required for a policy compliant scheme.*

The affordable housing is located in 3 separate locations around the site which is recommended along with the commitment to Lifetime Homes Standards and Code Level 4 of the Code for Sustainable Homes’.

17.0 MBC Conservation Officer: Objects

- 17.01 *‘A number of listed buildings lie close to this site. Those most affected would be Gore Cottage, Sutton House and barn in Sutton Street and to a lesser extent Cross Keys Cottage.*
- 17.02 *Gore Cottage currently enjoys a largely rural setting, its appearance as an isolated house in the fields with no proper road access being a significant feature. Development is proposed to the north, immediately outside its curtilage; although this will be at a slightly lower level than Gore Cottage itself, there is likely to be some degree of adverse impact on the isolated setting of the listed building.*
- 17.03 *Sutton House lies at the Southern end of Sutton Street, again in a largely rural context. Development is proposed close to its curtilage which would undoubtedly impact on this open setting to the detriment of the building’s significance. Currently the rear and side of the listed building can be seen across the fields from the bridge over the Lilk in The Street, again emphasising its rural position. These views would be obscured by the new development, and development on the southern part of the application site, which is on higher ground, will dominate the views from this point, cutting off the uninterrupted rural views in this direction.*
- 17.04 *Cross Keys Cottage would not be so directly affected, but would nevertheless lose some of its rural outlook over the application site.*
- 17.05 *The site touches the boundary of the Bearsted (Holy Cross) Conservation Area at its south western tip. Although no development is proposed at this part of the site, an important part of the character of the conservation area is the feeling that it is at the edge of development with open countryside beyond. This would be compromised to some extent by development as proposed which would effectively join together the historically separate settlements of Bearsted and Sutton Street. The approved Conservation Area Appraisal and Management Plan for Bearsted identified this site*

as having potential for further study with a view to possible designation as an extension to the conservation area.

- 17.06 *The western part of the site is occupied by important archaeological remains associated with the moated site of the Medieval Mott Hall and the possible associated fishponds and dams. Although not a Scheduled Ancient Monument I consider that these remains constitute a non-designated heritage asset. Whilst I accept the benefits of the proposal in relation to the better management and interpretation of the moated site itself, the impacts on its setting and in particular of the setting of the pond and dam (which are the most visible elements) by the construction of a new bridge carrying the major access to the development across the area of the dam and by development of houses on the adjacent fields will be severe in my view and remove the monuments from their historic landscape context.*
- 17.07 *Whilst generally the house designs proposed are reasonably acceptable, I do have concerns at the introduction of “fake” elements such as the oast house and “converted barn” which, in close proximity to the listed Sutton House would give a false impression of a farmstead associated with that building where historically none existed. I also have concerns at the housing layout which generally is less spaciouly arranged than surrounding development.*
- 17.08 *For all of these reasons I have strong heritage objections to these proposals.*

Recommendation

- *I OBJECT to this application on heritage grounds for reasons as detailed above’.*
- 17.09 Amended drawings were received removing the fake oast house from the proposal and reducing the height of the barn style property located at the rear of Sutton House. The conservation officer made the following comments in response to the amendments.
- 17.10 *‘Whilst the revised designs may be considered an improvement they do not overcome my fundamental objections to development of this site’.*
- 18.0 MBC Parks and Open Space:** No objections.
The level of public open space provided on site would be in accordance with council guidance.
- 19.0 MBC Landscape:** No objections
- 19.01 *‘Raise no objection to the content of the landscaping proposals and tree removals proposed on the ‘main’ part of the site, where the new development is proposed. I note that the submitted tree report also includes details of some tree works to retained trees which I also raise no objection to.*
- 19.02 *The tree protection proposals are also acceptable. However, there appears to be some minor RPA conflicts, particularly in the vicinity of T21 and T21 on the tree survey – this should be addressed by a condition requiring an arboricultural method statement to demonstrate how tree root damage will be avoided.*
- 19.03 *The main part of the proposal is therefore generally acceptable on arboricultural and landscape grounds. However, it lacks any detail on the proposed management of the remainder of the site, particularly the woodland and wetland areas. These areas should also be protected from damage during construction, to prevent damage to soil structure from machinery movements and to prevent it being used for storage of*

materials, machinery, soil, spoil etc. and to prevent accidental contamination of the soil or watercourse. There may also be opportunity for additional planting on the northern boundary, to strengthen the visual separation of the site from the first stretch of Cross Keys, but this will depend on the management objectives for this part of the site’.

20.0 MBC Environmental Health: No objections.

‘The report recommends an intrusive investigation. No objections based upon land contamination subject to conditions’

21.0 Natural England: No objections

21.01 *‘Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England’.*

22.0 Kent Wildlife: *‘No objection to the grant of permission subject to planning conditions and/or planning agreements to secure the following:*

- Implementation of the enhancement proposals described by the applicant and as may be required by KCC biodiversity officers.*
- A requirement to complete, for approval, a detailed management and ecological monitoring regime designed to continue the biodiversity enrichment of the site in the long term.*
- Funding arrangements to secure implementation of the management and monitoring regime’.*

23.0 Kent Police: No objections subject to conditions. The applicant/agent has registered for Secured By Design (SBD) full accreditation Parts 1,2and3

24.0 Southern Water: Advise there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advise that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Informatives and conditions recommended.

25.0 UK Power Networks: No objections

26.0 KCC Director of Planning and Environment ‘Objects to the application for the following (summarised) reasons:

26.01 *‘KCC recommends that Maidstone Borough Council **refuse** planning permission for this application for the following reasons:*

1. The proposed development is likely to have a significant landscape impacts, resulting from incursion of development into the open countryside and loss of character of a ‘Special Landscape Area’ as noted in the saved policies of the Maidstone Local Plan.

It is clear that, in assessing all previous applications, the impact on landscape and incursion of development into the countryside have been key issues of concern. The Borough Council have consistently maintained a logical objection to such development and this position has been supported (twice) by the Planning Inspectorate at appeal.

2. The site has significant issues relating to drainage and flooding – with the land located in the flood plain and proportion of the site being identified as within Flood Zone 3 according to the mapping carried out by the Environment Agency.

Given the abovementioned significant concerns relating to landscape/rural character, incursion into the open countryside and the impact on an identified Special Landscape Area, as well as the key matters relating to the flooding of the site, it is the view of KCC that refusal of the application outright on these concerns is the only appropriate course of action’.

27.0 CPRE: Raise concerns regarding flood risk and have provide an assessment of the applicants FRA by Mr Graham Warren MSc, DIC, FGS, MICE, C.GEOL, C.ENG (Retd.), formerly of the Environment Agency who raises concern regarding the use of SUDS at the site.

28.0 Amended Plans:

28.01 Amended plans were received on 11.02.2015. The amended plans related to the omission of the oast style house and replacement with an alternative design, and the reduction in height of the barn style property (Plots 24 and 25). The amended plans also changed Plot 1 and 2 to a single attached garage each, two single garages serving Plot 22 and 23 and the altered position of the garage on Plot 25. The following amended plans were received and sent out to re-consultation:

500/RP/070A, 500/RP/027A, 500/RP/002 I REVA, 500/RP/047 REVA,
500/RP/026-C, 500/RP/052 Rev A; dated February 2015

29.0 APPRAISAL

29.01 Principle of Development

29.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

29.03 *“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan.”*

29.04 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which

indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

- 29.05 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

Paragraph 47 of the NPPF states that Councils should;

- 29.06 *"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*
- 29.07 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.
- 29.08 At April 2014, the Council has a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.
- 29.09 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 29.10 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone to the east of Bearsted, in reasonable proximity to a range of key services available in the village as well as good public transport links via Bearsted train station and bus routes into Maidstone town centre.

- 29.11 The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area of Maidstone. The Maidstone urban boundary ends at Cross Keys to the west of the site and The Street / Mallings Drive housing development located to the north of the site. The application site is therefore located directly adjacent the edge of the urban area of Maidstone and is considered to represent a sustainable location in accordance with the draft Local Plan.
- 29.12 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The application site is located some 800m from Bearsted train station with frequent services to Maidstone, London and Ashford. Bearsted Green is located some 500m distance from the site with a range of services on the edge of the green including pubs, restaurants, a convenience store, butchers, delicatessen and a computer shop. All of these facilities can be accessed by foot from the application site along lit pedestrian pavements. The nearest bus stop is located adjacent the site on The Street which operates the no.19 bus into Maidstone, offering an hourly service in the morning and evening and a more limited service in between. The frequency of the service is not considered to reduce the sustainable location of the site due to the proximity of Bearsted station and the fast connection times and frequency of the train services. Also, Roseacre Junior school is located approximately 1.6km distance from the application site, with Madginford Park Infant School some 3.2km and St Johns C Of E Primary School some 3.7km distance from the application site. Additionally the centre of Maidstone lies just over 5km by road to the east with its extensive range of shops, services and businesses.
- 29.13 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on sustainable development. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 29.14 Furthermore, the bringing forward of development on this sustainable would contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.
- 29.15 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, design, density of the development (including whether the site can suitably accommodate 50 dwellings), residential amenity, flood risk, access/highway safety and ecology.

30.0 Flooding

- 30.1 A majority of the objections to the proposal relate to flood risk and past flooding on the application site and surrounding area.
- 30.02 It is evident from recent and historic photos that sections of the application site have experienced flooding in the past. Evidence has also been provided which

demonstrates that flooding also occurs in the locality, in particular at the bottom of Water Lane and to the north of the site on The Street / Roundwell where standing water has been recorded in the road.

- 30.03 Environment Agency (EA) Flood Risk Maps indicates that the site is partially located in Flood Zone 3 and 2 along the corridor of The Lilk and the flatter wetland areas in the western sections of the site. The higher ground in the eastern section of the application site is designated as Flood Zone 1. The site is not identified by the EA as having a critical drainage problem.
- 30.04 The EA Flood Risk Maps indicate that some of the proposed development (Plots 29, 30 and 40-43) would be located in Flood Zone 3 with the remaining development located in Flood Zone 1. However, the EA advise that their flood zones have only been derived using generalised JFlow modelling method and are therefore not fully representative of the Flood Zones in this area. The EA advise that a more detailed flood modelling assessment of the Lilk stream and the site would be appropriate to support development in this section of the site. The more detailed modelling would be used to provide a more reliable estimate of flood levels under the 100 year flow condition.
- 30.05 The application is supported by a Flood Risk Assessment by CTP and detailed site specific flooding modelling has been completed by Herrington Consulting Limited with the results of the flood modelling contained in Outline Numerical Flood Model Report by Herrington.
- 30.06 The flood modelling by Herrington includes allowance for climate change, the impact from hydraulic control structures and the impact of pluvial and fluvial sources. The modelling results indicate that the lower section of the housing development (Plots 29, 30 and 40-43) would be located approximately 0.5m above the maximum flood level and therefore outside 1 in 100 year event (with allowance for 100 years of climate change) and therefore outside Flood Zone 2 and 3. The modelling method and results have been endorsed by the Environment Agency.
- 30.07 The NPPF requires that Local Authorities should apply a sequential test to ensure that development is located in areas least at risk from flooding. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (Flood Zone 2 and 3 or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency), but where development is necessary, making it safe without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 30.08 If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied if appropriate.
- 30.09 Table 1 of the NPPF sets out the definition of the flood zones.

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding.

	(Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

- 30.10 The application site crosses Flood Zone 1, 2 and 3 and when applying the Sequential Test for this development and the site as a whole, the proposed housing would be wholly located in Flood Zone 1 (as indicated by the Herrington flood modelling). As stated in the above table Zone 1 land represents a low risk of flooding and relates to all land outside Zones 2 and 3. It is therefore considered that the applicant has sufficiently applied the Sequential Test in this instance as the proposed housing would be wholly located in Flood Zone 1 as indicated in the Herrington flood model.
- 30.11 The proposed vehicle access and bridge would cut across the Flood Zones 3, however, the bridge would be constructed using piling and bridge struts which would significantly reduce the built footprint which would come into contact with the Flood Zone / ground. Further, the vehicle access would be constructed a minimum of 300mm above 39.20mAOD which would provide clearance over the 1 in 100 year flood level, ensuring safe access and egress to the site. Further, the bridge would be set 1m above this flood level at its lowest point.
- 30.12 As stated above the proposed houses would all be located in Flood Zone 1 in accordance with the NPPF. In addition, the FRA advises that the minimum internal floor levels for the proposed dwellings would preclude risk to flooding and the minimum internal floor levels throughout the site would provide a minimum freeboard of 750mm above the 1 in 100 year flood level including allowance for climate change.
- 30.13 The Environment Agency have engaged with the applicants flood consultants during pre-application discussions and during the call for sites allocation and have raised no

objections to the application based on the evidence submitted within the FRA and Herrington flood model report.

- 30.14 A number of the objections received in relation to flooding have raised concerns that the development of this site would result in increased flooding in the locality, particularly with regard to the use of SUDs. Concerns have been raised with respect to the timing of the Subsoil Investigations which were completed in June, a typically drier month of the year.
- 30.15 In this regard the FRA by CTP indicates that further groundwater monitoring and further soakage tests are to be carried out prior to the detailed design of the drainage systems to confirm areas of the site where infiltration techniques are suitable. In areas where infiltration methods are not found to be suitable other SUDs components would be considered. The Environment Agency have requested several conditions (as set out above) to ensure that the development does not commence until suitable methods of surface water drainage have been submitted to and approved in writing by the council. The discharge of these conditions would be subject to consultation with the Environment Agency. If SUDs infiltration techniques are not found to be acceptable in certain areas of the site the FRA Note by CTP (A2164/January 2015) advises that an alternative SUDs drainage strategy would be adopted which would include storing surface water in, inter alia, cellular storage tanks and tiered sub-base storage, before it is discharged to the Lilk stream at a controlled discharge rate of 5 litres per second.
- 30.16 Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and have advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. In this regard the applicants flood reports indicate that the surface water would not be directed into the existing sewer network and any improvements to the existing sewerage system can be addressed by way of condition as requested by Southern Water.
- 30.17 As regard to consultee comments from Southern Water and their request for improvements down-stream of the site to accommodate the additional foul sewerage generated by the development, Southern Water have recommended 3 possible options to upgrade the sewer network. The applicant has contacted Southern Water and has confirmed that option 1 would be utilised and would be agreed with Southern Water via a legal agreement.
- 30.18 The FRA modelling has sufficiently demonstrated that the proposed development of the site would not exacerbate flooding within the site or in the surrounding area, as agreed by the Environment Agency. Additionally, the proposal also includes a number of betterment techniques aimed at reducing the level flooding in Flood Zones 2 and 3 of the application site and also on the land immediately adjacent the site in the road on Roundwell / The Street which is known to flood.
- 30.19 The following flood mitigation methods are proposed in the Herrington Flood report:
- Removal of the over ground foul sewer that currently dissects the site improving surface water drainage in these areas.
 - Removal of the brick arch culvert to the south of The Street thus improving the flow of water and reducing the likelihood of the culvert blocking and overflowing.

- Removal of silt and debris from The Lilk and culverts thus increasing the conveyance of the channel.
- Improvements to the culvert under the entrance near Sutton House. Replacement of the existing culvert and overly with an increase cross sectional area thus increasing the conveyance of the channel.
- Incorporation of a wetland area in the western section of the site providing compensatory flood storage. A number of flood ponds would be excavated in this area for increased flood storage.
- Incorporation of reed bed system to provide natural filtration to assist in removing hydrocarbons from the water course.
- Inclusion of two drainage ditches running parallel to The Street to link up with the existing drainage system on the road to capture surface water run-off from the existing highway.

30.20 Overall the proposed mitigation measures are considered acceptable and are predicted to achieve an improvement over the existing situation which sees the public highway and footpath in The Street / Roundwell flooded in events of heavy rain. The Environment Agency have raised no objections in relation to increased flood risk subject to a number of conditions and have stated:

30.21 *'We find the model done by Herrington to be comprehensive, considering both the impacts of design fluvial and surface water impacts from the whole catchment. There is a margin of safety too as the model does not take into account beneficial impacts from SUDS'.*

30.22 The EA flood engineer has also confirmed the development proposes significant improvements to the site (new wetland habitat, improvements to culverts, additional land drain) which will significantly improve flood risk (surface water and fluvial) for existing properties, and the new development will not increase risk overall.

31.0 Education

31.01 KCC Economic Development department provided consultation response in a letter dated 19 November 2014, confirming KCC would seek to mitigate the impact of the proposed development via suitable contributions. Further correspondence from KCC Economic Development proposes a change to the Primary School that would receive contributions sought through the development.

31.02 Paul Crick Director of KCC Environment, Planning and Enforcement wrote to the council in a letter dated 5 February 2015 setting out objections on education grounds from the KCC Education Planning & Access (EPA) department. A further letter from Paul Crick dated 31 March reiterates the objections to the development on education grounds. Mr Crick's letter raises objections to the application due to the impact on local primary school places which he considers are not able to accommodate the forecast additional children. The proposal would give rise to 13 additional primary school children and KCC Education attest the impact of the development would be detrimental to sustainable local Education provision as the 13 additional children may not be able to access the schools most local to the application site.

31.03 The proposed development may result in unsustainable local education provision with children not being afforded access to the most local schools, however, in this instance the development would give rise to an additional 13 primary school children only and refusal on of the application on these grounds is not considered to be wholly sustainable.

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- 31.04 Primary Schools within the immediate vicinity of Crosskeys and Barty Farm (site allocation H1(17)) include Madginford Park (approx. 1.6 miles away), Thurnham COFE Infants (approx 1 mile away), St Johns COFE Primary (2.9 miles) and Roseacre Junior School (approx 1 mile away). At present all of these schools are full.
- 31.05 However, the KCC Commissioning Plan for Education Provision in KENT, 2015 – 2019 indicates that planning groups in Maidstone should not be reviewed in isolation and that the overall school capacity within the Maidstone Urban area should be considered when assessing proposed housing developments and the impact of the development would be detrimental to sustainable local education provision.
- 31.06 In their correspondence KCC Economic Development advise that the school site contribution process will *'be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.*
- 31.07 *KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013'.*
- 31.08 KCC is currently in the process of obtaining permission and building a new 2 form entry school at Langley Park (420 spaces) and has plans for a new primary school at Hermitage Lane (up to 420 spaces) creating a total of up to 840 additional school spaces in the borough. KCC also intends to commission up to 2.1 forms of entry at existing schools in the RSCs (approx. 440 spaces) and a form of entry expansion in Headcorn/Sutton Valance (210 spaces). KCC are therefore seeking to significantly increase the capacity of primary school provision in the borough.
- 31.09 Whilst KCC do not propose to increase the size of the primary schools closest to the site, by building new schools at Langley Park and Hermitage Lane KCC anticipate that adding additional provision within these strategic sites will add capacity to the Maidstone urban area as a whole. With the opening of Langley Park KCC anticipate that there will be a realignment of pupils' school choices freeing up space at schools in the Maidstone urban area.
- 31.10 Additionally, it is noted that KCC has not objected to similar development within the borough. KCC Education did not object to a similar site at Land to the rear of Milton Street and Hartnup Street, Milton which is approx. 5.1 miles drive away from Langley Park and gives rise to 5 additional primary pupil places. KCC Stated in their response to this application: *"This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded"* KCC did not object to this development on the grounds of distance from primary education.
- 31.11 It is acknowledge that the development would result in some harm to sustainable education provision, however, given the proposed development only give rise to an additional 13 primary school children the level of harm is not considered to warrant a sustainable reason for refusal and is outweighed by the public benefits of the

development including an additional 50 residential units, 20 of which would be affordable. In addition, KCC confirm they will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure. It is considered that the provision of new / expanded schools within the borough would free up space in the Maidstone urban area, as anticipated by KCC. Further, pupils entering primary school at age 4/5 will have their applications assessed using KCC's over subscription criteria, i.e the distance from school or sibling rule. With extra school capacity coming up at Langley Park pupils arising from these new sites in Bearsted are more likely to be offered a school place at Bearsted or other closer local schools as opposed to children living further away in Parkwood/Shepway who will be able to be accommodated where the new capacity is at Langley Park.

32.0 Visual Impact

- 32.01 With the exception of the two Cross Keys garage sites the application site is located on the edge of the urban boundary in the open countryside and within a Special Landscape Area. Saved policy ENV34 of the adopted Maidstone Borough-Wide Local Plan (2000) advises particular attention will be given to the protection and conservation of the scenic quality and distinctive character of these areas and priority will be given to the landscape over other planning considerations.
- 32.02 The majority of the site is a greenfield site and its development for residential development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.
- 32.03 The proposed residential development is comprised of detached and terrace single storey and two storey residential dwellings with associated garages, parking and access roads. Approximately half the site would remain undeveloped and preserved as woodland and ecology park.
- 32.04 The application site is boarded by other residential properties on three sides, (north, east and west) with the urban boundary of Maidstone located along the northern and eastern boundaries of the site. The area to the east of the site also comprises residential properties. These properties front the west side of Sutton Street with their rear gardens generally backing onto the application site. The western side of Sutton Street is characterised by a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn Roundwell, with more sporadic residential development further south. The proposed development would therefore be seen in the context of the immediate neighbouring residential development and would not appear out of character in this setting given the built up nature along the boundaries of the site.
- 32.05 There are several short range public vantage points from which the site can be seen, in particular from The Street / Roundwell located to the north of the site where there is limited boundary treatment and the proposed development would be clearly visible. The site would also be visible from the northern parts of Cross Keys and also from Sutton Street, where Plot 25 would be visible between Sutton House and The Barn Roundwell. Partial views would also be afforded between the gaps in the houses along Sutton Street. Additionally, Partial views would also be afforded from Mallings Drive between gaps in the houses and the bottom of Water Lane. Views into the east of the site from the public footpath running from Sutton Street to the Bearsted Woodland Trust site would be largely screened by the hedgerow along the edge of the footpath. The south western boundary of the site would be largely screened from view by the topography of the site including woodland area located around Mott Hall. Short range views of the proposed development would be afford from these

locations and there would be a considerable change in the character, especially from the short range views immediately adjacent the site, that would clearly have a visual impact.

- 32.06 However, short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable. In this instance it is considered that the proposed development would be seen in the context of the built development located to the north, east and west of the site, and in my view, would constitute visually acceptable infill development, located between the urban boundary of Maidstone at Cross Keys, The Street and Mallings Drive and the fairly close knit row of residential properties located on the western edge of Sutton Street. The proposed development would therefore be seen against the backdrop of other built development immediately surrounding it on three sides. In addition, the proposed development would be lower in height and more subordinate than the properties fronting onto Sutton Street and the development would not appear overly prominent in the Sutton Street streetscape as a result.
- 32.07 Limited medium range views of the proposed development would be afforded from the south of the site along the A20 and the public footpath that approaches Gore Cottage and from the Bearsted Woodland Trust site. The site would not be significantly visible from views from the North Downs as demonstrated by the applicant's long range impact assessment. The lower lying application site and considerable vegetation screening would ensure that the proposed development does not appear adversely prominent from North Downs. The location of existing built development on three sides of the application site would also serve to limited the visual impact of the development from any possible long range views as the housing development would be viewed in the setting of the neighbouring residential development.
- 32.08 Taking all of the above into consideration the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area, in particular from long range views from the North Downs. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would also partially constitute infill development being located between residential properties on three sides.
- 32.09 In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the Special Landscape Area which is applicable in this case.

33.0 Heritage Impact

- 33.01 The council conservation officer has objected to the development of the application site due to the impact on the setting of a number of listed buildings located close to the site. The conservation officer advises that those most affect would be '*Gore Cottage, Sutton House and barn in Sutton Street and to a lesser extent Cross Keys Cottage*'.
- 33.02 The proposed development would inevitably have a visual impact on the setting of the nearby listed buildings however it is necessary to assess whether the impact is of significant harm to warrant refusal of the planning application.
- 33.03 Gore Cottage is located to the south of the site in an largely rural setting, however, I am of the view that the lower lying development site and separation distance

between Gore Cottage and proposed housing development would ensure that the setting of this grade II listed building is not unacceptably harmed. In addition, holiday lets and other outbuildings located within the curtilage of Gore Cottage would partially screen the proposed development from the grade II listed building. It is also noted that the rural setting of Gore Cottage would remain unaltered on the east, south and west therefore I am of the view that its isolated setting would remain largely intact especially from key vantage points.

- 33.04 Sutton House is located at the southern end of the Sutton Street at the end of a fairly close knit line of houses located on the western side of Sutton Street. A further residential property is located to the south of Sutton House. The existing built development to the north and south of Sutton House are considered to detract from its original rural setting. The proposed development would undoubtedly have an impact on the setting of the Sutton House and Plot 25 would be viewed in the same setting as Sutton House from public vantage points on Sutton Street. However, the application site, in my view, is not considered wholly rural in nature, given the proximity to the Maidstone urban boundary and existing residential development situated on three sides of the site. At present Sutton House is not located in a wholly rural setting due to the surrounding built development and the principle elevation of Sutton House would still be afforded a rural / open outlook in a south eastern direction across Sutton Street. Further, following initial comments from the council conservation officer, the house on Plot 25 has been reduced in height so as to be lower, and more subservient, than Sutton House. It is also noted that historic aerial photos indicated that there once was an outbuilding / barn located at the rear of Sutton House in a similar position to the proposed house on Plot 25. I am therefore of the opinion that the proposed layout and design of the buildings in proximity to Sutton House have been designed so as to have regard to the setting of this grade II listed building.
- 33.05 The conservation officer states that 'Cross Keys Cottage would not be so directly affected, but would nevertheless lose some of its rural outlook over the application site' however this is not considered to be significant given the separation distance from the application and should not restrict the development of the site.
- 33.06 The council's conservation officer also advises that the development of this site would harm the setting of the Bearsted (Holy Cross) Conservation Area which is located at its south western tip. However, as the conservation officer states there is no development proposed at this part of the site, therefore, I am of the view the visual separation between the proposed built development and the conservation area, together with the tree screening, would be successfully maintained and, the proposal would not unacceptably harm the character or setting of the conservation area as a result.
- 33.07 The conservation officers views regarding the Medieval Mott Hall, pond and dam are noted however they are contradictory to the advice provided by the County Archaeological Officer which has been sought throughout the pre-application stages of the proposal. The advise of the County Archaeological Officer has steered the relocation of the vehicle access bridge to the current proposed position and has appraised the pedestrian footpath and historic information panels proposed throughout the site.
- 33.08 The proposed development would undoubtedly have a visual impact on the setting of the nearby grade II listed buildings and archaeological features within the site, however, in my view the level of harm would be less than substantial, therefore this

needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.

33.09 In this instance it is therefore considered that the significant public benefits arising from the additional houses would, in my view, outweigh the limited harm to the setting of the conservation area, archaeological remains and grade II listed buildings and should not prohibit the development of the site.

34.0 Design and layout

34.01 In terms of the acceptability of the layout, this has been the subject of discussion between the applicant, case officers and Kent Design Panel at the pre-application stage in order to achieve the most effective outcome.

34.02 The number of units and density is considered appropriate for the semi-rural edge of urban boundary location and the retention of the eastern sections of the site would ensure a sense of openness to the site and allow a better provision of open space on the site, which would also serve to reduce the impact on the open countryside and improve the sustainability of the development. A lower density scheme has been led by a need to locate the development outside Flood Zones 2 and 3, reduce the impact on the setting of the conservation area and listed buildings and improve the suitability of the development.

34.03 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The development has been designed to fit into its surroundings through the use of vernacular materials and styles including facing brick, hanging tiles and weatherboarding, clay and slate roof tiles. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.

34.04 Throughout the site dwellings generally front the internal roads and turn corners where appropriate. The main entry into the site over the bridge is a requirement dictated by the wetland area and the position of this main access and bridge has been approved and dictated by County Archaeologists and Highways officers. The design of the bridge is considered acceptable subject to a high standard of materials which can be sought via condition.

34.05 The proposed buildings are considered to be individually of a high design standard and the use of a simple palette of materials would ensure a uniform identity throughout. The palette of materials, form and design of the houses is considered appropriate for this edge of town setting and would respect the surrounding local vernacular. The council conservation officer and Kent Design Panel have endorsed the overall design of the houses. In addition, the fake oast house has been replaced by an arts and crafts style property and aerial historic photographic evidence of a barn / outbuilding previously located at the rear of Sutton House, in broadly the same location as the barn style property proposed on Plot 25, has sought to address the conservation officer's objections to these elements of the proposal.

34.06 No objections are raised to the demolition of the existing garage blocks on Cross Keys as these developments are considered to have a visually harmful impact on the character of the area. The proposed new dwellings located on Cross Keys would be a visual improvement on the existing garages and would enhance the character of Cross Keys streetscene. The two rows of terraced properties proposed on Cross Keys would be of a high design standard and would not appear incongruous in this predominantly residential setting. The replacement garages in the southern section

of Cross Keys would represent a visual improvement in comparison to the existing garages which are in a dilapidated state.

- 34.07 All of the proposed units would provide a good level of private amenity space, including the affordable units, and the low density scheme would create a sense of spaciousness, allowing dwellings to be set well back from the site boundaries. Significant landscaping is proposed throughout the site and on the boundaries (no close boarded fencing is proposed), all of which are considered appropriate and sympathetic to this location on the periphery of the urban area. All units would benefit from off-street parking in the form of garages and allocated parking spaces which have been sited and designed in order to limit the level of hard surfacing. Porous hard surfaces would be used throughout the site.
- 34.08 There is good connectivity within and through the site. The site would be permeable to pedestrians via new footpaths linking up The Street / Roundwell and Sutton Street to the Bearsted Woodland Trust parkland located to the south of the site. The introduction of a new public footpath along The Lilk and Mott Hall have been endorsed by the County PROW officers and Archaeological officers and would open this previously private area to the public with information boards highlighting the history of the area located at three different points within the site.
- 34.09 The boundary treatment throughout the site will be essential to achieving a good scheme, in particular the southern end of the site adjacent the open countryside which will require an appropriate mix of indigenous landscaping and, the northern boundary adjacent to the road which would need to remain largely open to preserve the character of the road. A comprehensive landscaping scheme would be sought via condition.

35.0 Residential Amenity

- 35.01 A number of objections have been received relating to loss of amenity including loss of privacy and loss of outlook.
- 35.02 The neighbouring residential development located on Cross Keys would be separated from the proposed development by the width of the public highway therefore no objections are raised with regard to loss of amenity to these properties.
- 35.03 The residential properties located on the south side of Roundwell and the west side of Sutton Road would abut the application site and would be located in closest proximity to the proposed development site with rear gardens backing onto the site.
- 35.04 Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy.
- 35.05 A majority of the properties fronting onto Sutton Street benefit from long rear gardens which back onto the application site, and the proposed built development would be set away from the boundaries of the site which in most case would allow sufficient separation distances of more than 20m between the proposed and existing houses.
- 35.06 Roundwell Cottage is located in closer proximity to the application site. The property proposed on Plot 43 would be located some 20m distance from the rear / side elevation of Roundwell Cottage to ensure no unreasonable loss of amenity would occur. The house on Plot 42 would be located just under 20m distance from the

side / rear of Roundwell Cottage, however, the orientation between the two properties would ensure that only oblique views are afforded between the houses. The rear / private amenity space at Roundwell Cottage is located on the northern side of the house adjacent to the road and would not be overlooked by the proposed development as a result. The garages for Plots 42 and 43 would be located in closer proximity to the boundary of Roundwell Cottage, however, the garage building would be single storey, set at a lower ground level, screened by existing and proposed boundary treatment and located adjacent the drive / parking area of The Cottage. I am therefore of the opinion that this garage building would not result in an unreasonable loss of amenity in terms of outlook or loss of light.

- 35.07 Plot 25 would not be located directly behind any neighbouring residential properties fronting onto Sutton Street therefore limiting the visual impact of this building and, only oblique views would be afforded between habitable windows due to the orientation of this property.
- 35.08 The house proposed on Plot 26 would be located some 18m from the main rear elevation of The Barn Roundwell. This separation distance coupled by the existing and proposed boundary screening is considered sufficient to ensure that no unreasonable loss of amenity would occur.
- 35.09 Residential properties proposed within the southern most section of the site would be located a sufficient distance from Gore Cottage so as not to result in any unacceptable loss of amenity and would be partially screened by the outbuilding and the holiday let building located in the grounds of Gore Cottage. The holiday let building in the curtilage of Gore Cottage is a single storey structure with no openings facing towards to the application site.
- 35.10 Overall, it is considered that the proposed development, by virtue of the siting, design, ground levels, boundary screening and distances from neighbouring properties, would not result in any unreasonable loss of residential amenity in terms of loss of light, outlook or privacy.

36.0 Transport

- 36.01 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase traffic congestion on the local road network. Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been provided and no objections are being raised in relation to the increased traffic generation, highways safety and parking provision which are in accordance with KCC Highways guidelines.
- 36.02 A new vehicle access would be provided into the site via Cross Keys. Cross Keys would be widened to allow nine cars to park off the carriageway which would enable sufficient swept paths into the new access, by removing parked cars from Cross Street. Swept path diagrams, which have been approved by KCC Highways, have been provided indicating that refuse vehicles can turn into the site from Cross Keys.
- 36.03 The application was submitted with an accompanying transport assessment by CTP which includes a Manual Classified Turning Count (MCT) survey at the junction of Cross Keys and The Street, a Proposed Traffic Generation survey in accordance with the TRICS database in accordance with KCC guidance, and a junction analysis utilising PICADY.
- 36.04 TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 14 arrivals and 31 departures during the AM peak

and 35 arrivals and 25 departures during the PM peak. The number of trips generated is not considered to be a significant increase in this location and is considered not to result in an unacceptable highways impact onto Cross Keys or The Street / Roundwell.

- 36.05 A number of objections have been received regarding the date that the TRICS data was obtained. In this regard the transport assessment has factored the TRICS data using TEMPRO software to current day levels, a method which has been accepted by KCC Highways.
- 36.06 Cross Keys is a looped road however the Transport Statement predicts that 100% of the development traffic would utilise the junction between Cross Keys and The Street due to the proximity of this junction.
- 36.07 A capacity assessment of the junction at Cross Keys and The Street has been undertaken using PICADY to assess the impact of the development at this junction. Again the original data provided was dated therefore the transport assessor has utilised the TEMPRO software to predict the level of traffic at the beginning of 2015
- 36.08 The results indicate that the junction currently operates at a maximum 10% capacity at AM peak periods and a maximum 6% capacity in PM peak periods. Further analysis indicates that the proposed development is predicted to function at approximately 18% capacity in AM peak periods and 14% PM peak periods. These predicted figures are well below the capacity of the junction therefore it is considered that the existing junction at Cross Keys and The Street would be able to accommodate the proposed development and additional traffic.
- 36.09 Concerns initially raised with by Kent Highways have been overcome through discussions / amended details. Further, Kent Fire and Rescue Service have confirmed that the emergency access proposed via Sutton Street would be of a sufficient width.
- 36.10 Turning to the internal layout of the site, there is no objection to the siting and size of the parking bays, nor to the overall number of parking spaces provided which are in accordance with KCC parking standard guidance. Cycle parking storage would be secured via condition.

37.0 Affordable housing

- 37.01 The proposed scheme comprises the provision of 40% affordable housing which is in accordance with the councils Affordable Housing DPD. The applicants have been in pre-application consultation with the council housing department to agree the size and tenure split.
- 37.02 20 affordable units are proposed in total and would be distributed throughout the site so as not to form an over concentration of affordable units in accordance with the NPPF. The affordable units would be a high standard of design utilising the same palette of materials as the private housing on the site, including timber fenestration, tile hanging, weatherboard and clay and slate tiles. The affordable housing would also be completed to Code Level 4 which is above policy requirement.
- 37.03 A number of objections have referred to the off-site location of the seven of the affordable units which would be located on Cross Keys, stating that these would not be in accordance with policy as they are located within the urban area, not the open countryside.

37.04 In this instance all the proposed affordable housing (20 units) would be accommodated within the defined red boundary of the application site and therefore constitute on-site provision in accordance with policy. Additionally, council housing advises that the proposal is actually generating an additional 3 affordable units of which would normally be required for a policy compliant scheme. It should also be noted that had the garage site on Cross Keys been developed independently the number of units proposed would not have triggered a requirement for affordable houses. The mix and tenure of units has also been agreed by the councils housing department.

38.0 Landscaping

38.01 A comprehensive landscaping scheme has been proposed which would see a majority of the existing boundary trees and hedgerows retained with enhancements in a number of places through new tree and native hedgerow planting. The landscaping scheme has been endorsed by the councils Landscape officer and would be secured via appropriate conditions.

38.02 Few trees would be removed from the application site. The councils Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscaping scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

39.0 Ecology

39.01 The site and adjacent land is not subject to any statutory nature conservation nature designations. The housing development would be located on the grassland fields of low ecological value, with the seasonally wetland area, adjacent grassland and woodland preserved and enhanced to be part of a habitat strategy to improve its nature conservation value.

39.02 A phase 1 ecological statement has been submitted. This reveals that there are no identified protected species on the development section of the site and overall no significant ecological constraints found on the sections of the site proposed for development.

39.03 Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of open spaces, new tree planting and hedgerow planting in the development section of the site.

39.04 Other ecological enhancements proposed are as follows:

- Habitat creation and woodland management
- Clean up of The Lilk
- Enhancement of habitats for reptiles and bats
- Erection of bat boxes
- New reed bed and restoration of coppicing along the Lilk
- Retention of all arisings on site to create decaying timber and hibernacula
- Excavation of three ephemeral ponds

39.05 Natural England and KCC Ecology have raised no objections to the development of the site advising that no protected species would be affected.

39.06 The applicant has proposed that the woodland area and ecology park be handed to Maidstone Borough Council Parks and Leisure department for future ongoing

management. However, MBC Parks and Leisure department have advised they are not in a position to take on this site, or any other sites for future management, in immediate future. The developer would therefore retain the land and the terms surrounding the future management of the woodland and ecology park would be addressed in the S106 Agreement.

39.07 The applicant has been approached by the River Len group with respect to taking over the future management of the ecology park and woodland area.

39.08 Additionally, The applicant is making arrangements for the ecology park and woodland area to be designated as a Local Nature Reserve through Natural England and has advised that full details and official designation could, if necessary, be secured prior to the commencement by condition.

40.0 Other issues:

40.01 A number of objectors have highlighted a previous application on this site which was refused. In particular an application in 2011 (ref: 11/1909) for a single house which was refused due to loss of an open space between existing dwellings and sporadic development into the open countryside contrary to ENV28.

40.02 There is a requirement to assess the current application on its own merits. As set out above policy ENV28 is superseded by the NPPF and housing development in the open countryside is assessed, inter alia, in terms of its sustainability. Further, I see no strong comparison between the 2011 application and the current proposal as the 2011 scheme involved a single house which was classed as infill development being located between The Barn Roundwell and The Cottage with frontage onto Sutton Street.

40.03 A number of objections have been raised in relation to the demolition of the existing garage blocks on Cross Keys and the replacement new garages in less inconvenient location. There is no control over the demolition of the existing garages therefore the loss of existing off-street parking spaces cannot be taken into consideration. Additionally, 15 new garages are proposed and would be built to current parking standards and therefore able to accommodate a modern car. Visually the proposed garages would be represent an improvement over the existing block. The community benefit for a storeroom of the local youth football club is also acknowledged.

41.0 Heads of Terms

41.01 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012.

These are set out below:-

- 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.

41.02 The NHS have requested £37,800 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Bearsted Medical Practice and The Spires Surgery which are within 2 mile of the site. It is clear that the proposed development of 50 dwellings would result in additional

demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 41.03 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house. The monies would be put towards the enhancement of teaching space at South Borough Primary School. There will be a greater demand placed on schools within the borough from the occupants of the new 50 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 41.04 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards secondary school at a cost of £2359.80 per applicable house and the monies would be put towards enhancement of teaching space at Maplesden Oaks School. There will be a greater demand placed on the local schools from the occupants of the new 50 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 41.05 There is a request of £1589.00 towards the provision of staff and equipment for Maidstone Borough Youth services in the area. The contribution would go towards the Infozone Youth Hub for use and distribution locally. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 41.06 There is a request from Kent County Council seeking £2400.79 towards Library services locally and additional bookstock for the new residents of this development alone to be supplied to Bearsted Library. It is clear that the proposed development of 50 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 41.07 Contribution of £1400 sought for the purposes of improving the environment and furniture of Public Footpath KM75 and the legal dedication of the new footpath through the site.
- 41.08 The provision of 40% affordable residential units within the application site, 65% rental and 35% shared ownership.

42.0 CONCLUSION

- 42.01 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.
- 42.02 Development at this site would extend the grain of development from the Maidstone urban boundary to the east and would infill the space between the urban area at Cross Keys and the line of residential development located along the western side of Sutton Street. Whilst the development would have an impact upon the setting of nearby listed buildings, I do not consider that this would be a significant impact to

resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The development of this site for residential purposes would represent an example sustainable of development and would conform to the aspirations of the NPPF.

42.03 Furthermore, the site, being on the edge of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed urban fringe sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.

42.04 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

43.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site, 65% rental and 35% shared ownership.
- Contribution of £37,800 to be sought from the NHS towards improvements to local surgeries.
- Contribution of £2360.96 per applicable house and towards primary education provision in Maidstone.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone.
- Contribution of £1589.00 sought to be used to address the demand from the development towards youth services locally.
- Contribution of £2400.79 sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £1400 to be provided to KCC for the purposes of improving the environment and furniture of Public Footpath KM75 to mitigate the impact of the development.
- Details of a long term management plan of the woodland and ecology park including; responsibility for management, funding, restriction of public access to certain areas and full habitat and ecology management details.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

44.0 CONDITIONS

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(1) The development hereby permitted shall be begun before the expiration of one year 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) 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.

(3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:

1. Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)
2. The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)
3. Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.
5. Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. To reduce the risk of property flooding to the proposed development and future occupants
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.
3. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
4. To reduce the risk of flooding from blockages to the existing culvert (s).
5. To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.

(4) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:

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- o The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.
- o Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.
- o Details of how the overall scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site.

(5) 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: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

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

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

(7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that heritage interpretation is appropriately integrated into the development.

(8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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(9) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: In the interests of public health and safety.

(10) The development hereby permitted shall not be commenced until the following highways / parking details have been submitted to and approved, in writing, by the local planning authority:

- o Provision of construction vehicle loading/unloading and turning facilities.
- o Provision of parking facilities for site personnel and visitors.
- o Provision of wheel washing facilities.
- o Provision and permanent retention of the vehicle parking spaces and/or garages.
- o Provision and permanent retention of the vehicle loading/unloading and turning facilities.

These facilities shall be provided in accordance with the approved details and remain available for the duration of the construction and where relevant shall be retained for use at all times thereafter.

Reason: In the interests of highway safety.

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

Reason: To ensure a satisfactory appearance to the development.

(12) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning

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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.

(13) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation, including details of the future management of the woodland and ecology park, will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

(14) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area

(15) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

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

Reason: In the interest of residential amenity

(17) The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

(18) No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail a planting specification, a programme of implementation and a 10 year management plan and include details of the responsibility for management of any area that falls outside of private residential gardens of the new properties.

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Reason: To ensure a satisfactory landscaped setting for the development.

(19) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

REASON: To ensure a satisfactory landscaped setting for the development.

(20) No development shall take place until details of barriers and/or ground protection in accordance with the current edition of BS 5837, for areas designated for retention as soft landscaped areas of the whole site, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(21) No development shall take place until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall include details of hard surfacing and any other conflicts within the root protection areas of any retained trees.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(22) No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures 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 protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

(23) No development shall commence on site until details of the exact location of the new pedestrian route including the point of attachment with public footpath KM75 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In pursuit of sustainable transport objectives.

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

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

(25) The development shall not commence until details of foul water drainage, which shall include any necessary off-site improvements to the local network and shall incorporate

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wildlife friendly gullies, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details and any off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention and ecology .

(26) No development shall commence on site until a signed S278 Agreement, covering the alterations to Cross Keys road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

(27) The details and samples of the materials submitted pursuant to condition 11 shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: In the interest of ecological enhancement.

(28) The development hereby permitted shall be carried out in accordance with the following approved plans:

CK/TSP/915-01A, CK/TRP/915-02A, CK/TRP/915-03A; dated 26 June 2014 and 500/RP/048, 500/RP/061; dated August 2014 and A2164-SK1500 P5, A2164-SK1501 P2, A2164-SK1505 P3, A2164-SK1506 P3, A2164-SK1510 P1, A2164-SK1615 P1, A2164-SK1615 P2, A2164-SK1616 P2; dated July 2014 and A2164-SK1600 P6, A2164-SK1601 P6, A2164-SK1612 P3, A2164-SK1613 P3; dated June 2014 and 2020/14/B/4A, 2020/14/B/5A; dated July 2014, 2020/14/B/2A; dated June 2014 and 500/RP/001, 500/DA/008; dated April 2014 and 500/RP/004; received 12/11/2014 and 500/RP/009, 500/RP/010, 500/RP/015; dated June 2014 and 500/RP/043, 500/RP/46, 500/RP/049, 500/RP/054; dated July 2014 and 500/RP/039, 500/RP/040, 500/RP/062; dated September 2014 and 500/RP/006, 500/RP/007, 500/RP/011, 500/DA/012 500/RP/013, 500/RP/014, 500/RP/016, 500/RP/017, 500/RP/018, 500/RP/019, 500/RP/020, 500/RP/021, 500/RP/022, 500/RP/023, 500/RP/024, 500/RP/025, 500/RP/028, 500/RP/029, 500/RP/030, 500/RP/031, 500/RP/032, 500/RP/033, 500/RP/034, 500/RP/035, 500/RP/042, 500/RP/043; dated May 2014 and 500/RP/070A, 500/RP/002 I REVA, 500/RP/047 REVA, 500/RP/052 Rev A; dated February 2015 and 500/RP/02A, 500/RP/026/C, 500/RP/027/A, 500/RP/041/A, 500/RP/042/A, 500/RP/044/A, 500/RP/045/A, 500/RP/047/B, 500/RP/053/B, 500/RP/057/A, 500/RP/058/A, 500/RP/070/A and LaDellWood Woodland Management Plan & Wetland Habitat Ref: 2020/14/B/3/B; dated February 2015 and Arboricultural Impact Assessment REF: SA/915/14A; dated 7 October 2014, Ecology Phase 1 habitat survey and reptile survey; dated September 2014, Flood Risk Assessment A2164/October 2014, Habitat creation and woodland management, Issue 2; dated September 2014, Phase 1 Geo Desk Study Ref: 3082/14; dated October 2014, Phase 2 archaeological investigation Ref: 2014/51; dated October 2014, Transport Assessment A2164/October 2014.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

Informatives:

(1) The wording of the interpretation panels should be agreed with KCC archaeology.

(2) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

(3) 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

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

Advisory

Ordinary watercourse

Please note, any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by us or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council). For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent. Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk

(4) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.

There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

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

No Materials can be stored on the Right of Way.

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

(5) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

Condition

HERITAGE & BIO-DIVERSITY INTERPRETAT