

## REPORT SUMMARY

<b>REFERENCE NO - 14/0836</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of 110 dwellings together with creation of a new access and landscaping provision.			
<b>ADDRESS</b> Land North Of, Heath Road, Coxheath, Kent			
<b>RECOMMENDATION subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS</b>			
<p>The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. Also the NPPF has weakened policy ENV28. However the proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructure.</p> <p>For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from Local Plan,</li> <li>• Contrary to views of the Parish Council.</li> <li>• The application has been the subject of objections from the local residents</li> </ul>			
<b>WARD</b> Coxheath and Hunton Ward	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Mr Greg Countryside <b>AGENT</b> Dha Planning	
<b>DECISION DUE DATE</b> 19/12/14	<b>PUBLICITY EXPIRY DATE</b> 24/06/14	<b>OFFICER SITE VISIT DATE</b> 28/05/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b> MA/14/0454	<b>Proposal</b> Screening opinion for proposed residential development for 130 dwellings Decision EIA not required.	<b>Decision</b>	<b>Date</b>

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is an arable agricultural land that measures 4.25 hectares in area. It is broadly an inverted 'L' shape with about 110m wide frontage with Heath Road (B2163) to the southern, 150 m wide boundary to the northern and has a depth of 300m from south to north. The site is situated along the eastern boundary of Coxheath village and just under half kilometre west of the settlement of Loose.

- 1.02 There is a farmer's vehicular access from Heath Road into the site and with the exception of the north and north- west boundaries of the site that are open the remaining boundaries are enclosed by tall boundary hedging.
- 1.03 The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category, apart from a roughly triangular area of some 0.75 ha fronting the public road to the south that is indicated as Grade 2 (very good) quality.
- 1.04 To the north and east are farm land and orchard. There are couple of detached dwellings along the southeast corner separated from the application site by dense hedge and KM 67 public right of way. This footpath continues to the north beyond the application site.
- 1.05 The south side of Heath Road is enclosed by a tall hedging and beyond this hedge are orchards farm and associated greenhouses/polytunnels.
- 1.06 To the west is Aspian Drive which is a cul-de-sac; Houses in this drive are mainly two storey and on the western side of the road and are set well back from the edge of the road except for four houses to the northern section of the drive that share boundary with the application site.
- 1.07 There is a dense wooded area just to the southwest that separates houses fronting Heath Road from the application site.
- 1.08 The village of Coxheath offers a good range of facilities and services including shops, post office, pharmacy, pubs, restaurants, a primary school, church and doctor surgery as well as good road network and public transport to Maidstone and the surrounding villages.

## **2.0 PROPOSAL**

- 2.01 The application seeks full planning permission for the erection of 110 dwellings with associated vehicular access, car parking spaces landscaping and amenity space.
- 2.02 The proposal comprising 8 one bedroom apartments, 2no two bedrooms apartments, 26no two bedroom houses, 47no three bedroom houses and 27 four bedroom houses. The dwellings would comprise of two storey detached, semi-detached and terraced houses and 3no 2 storey blocks of flatted type accommodation in the south west corner of the site together with provision of 196 associated car parking spaces plus 16 on street visitors car parking spaces together with, landscaping, amenity space and engineering works.
- 2.03 The application is accompanied by a Design and Access statement; Planning Statement; Arboricultural report; Archaeology report, Noise Assessment /acoustic report; flood risk assessment; contamination report; ecological report; transport assessment; sustainability appraisal; landscape assessment and layout plans.
- 2.04 The primary vehicular and pedestrian access to the site would be gained by way of a "T" junction access to Heath Road from the south side of the site with a secondary pedestrian and emergency access provided on to Aspian Drive to the west.
- 2.05 The proposed development would provide substantial landscaped open space amenity areas within the site which gives the appearance of a traditional village green with detached and semi-detached housed positioned around the green.

2.06 The development would have a density of about 25.88 dph. However this density is not uniform across the site. The western part of the site close to the existing settlement and Aspian Drive where flatted development and affordable houses are proposed, would have higher density whereas the northern and eastern areas where most of the detached 4 and 3 bedroom houses are proposed, would have a relatively lower density. The layout design provides for verges, swales and public amenity space areas. These landscaping features would deliver a significant degree of softening and visual enhancement to the character of the development and contribute towards sustainable surface water drainage management. This open space to the central part of the northern boundary would at the same time help to provide a substantial landscape buffer with the countryside beyond the site boundary to the north.

Break down of proposed market and affordable dwellings:-

Size	Affordable units	Private market units	total
1 Bedroom flat	8	0	08
2 Bedroom flat	2	0	02
2 Bedroom house	20	6	26
3 Bedroom house	14	33	47
4 bedroom house		27	27
<b>Total</b>	<b>44</b>	<b>66</b>	<b>110</b>

### 3.0 SUMMARY INFORMATION

	<b>Proposed</b>
Site Area (ha)	4.25Ha
Overall Housing Density	25.88dph
No. of Storeys	2 (dwelling houses), 2(apartments)
Parking Spaces	189 +20 on street visitors parking spaces
No. of Residential Units	110 dwellings
No. of Affordable Units	44 = 40%

3.01 The development would be built to Level 4 Code for sustainable homes.

### 4.0 PLANNING CONSTRAINTS

- Southern Anti-coalescence Belt
- Public foot path along the eastern boundary of the site
- Flood Zone – 1
- Boundary hedging

-DradtAllocated Site – housing/economic development

## **5.0 POLICY AND OTHER CONSIDERATIONS**

Government Policy: NPPF 2012

Planning Policy Guidance 2014

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, ENV49 ENV28, T13 and T23

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

Open Space Development Plan Document (2006)

Regulation 18 Maidstone Borough Council Draft Local Plan: policies SS1, SP4, SP5, H1 (44), H2, DM2, DM4, DM6, DM10, DM13, DM23, DM24, DM30, ID1

Coxheath Draft Neighbourhood Plan. This document is at advance stage and has yet to go through, an independent examination and finally a referendum.

## **6.0 LOCAL REPRESENTATIONS**

6.01 Site notice was displayed on 28/05/2014

### **6.02 Loose Parish Council (Neighbouring Parish)**

Has not made fresh comments regarding the revised proposal for 110 dwellings and a new “T” junction access point to Heath Road.

Below is Loose Parish Council’s representation regarding the original proposal for 130 dwellings and roundabout access with Heath Road..

Whilst this application does not relate to a site within our Parish, it is felt the proposals to be of direct consequence given the close proximity to the Loose Parish border.

Loose Parish Council does not view the application favourably, and wish to object in the strongest terms. We see no reason why this proposed application should go ahead for the following reasons:

- The proposed development is close to the Loose Parish boundary and it was felt that this application will erode the Anti Coalescent Belt. This erosion will compromise the space between the Parishes and extirpate the unique identity and individuality of Loose and Coxheath Parishes.
- The traffic calming and modifications to the signals at Linton crossroads have purportedly been a success, local residents see it differently. This development will add to the congestion up to this already busy four way junction, particularly during rush hours.
- The proposed roundabout on the Heath Road to deal with all the traffic entering and exiting the development may well become blocked with traffic backing up from Linton crossroads.

- There has been one fatality in this area in the last twelve months which is not been mentioned in the 'Transport Assessment'. Further proposed development in this area, including the park and ride will only exasperate the potential dangers.
- It is uncertain at the moment as to where the drainage/sewage from the development will go, i.e. direct to the treatment works or to the pumping station in the Loose Valley? LPC are in close contact with Southern Water who provide monthly reports to us, as we have grave concerns on the capacity of the Lower Loose Pumping Station. It has overflowed on at least two occasions in the past year which led to raw sewage entering the watercourse and spilling over private gardens.
- Although it is not a planning consideration it is felt that there has been little consideration given to available places at local schools, doctors, dentists etc.

#### Loose Amenities Association

The proposed development is contrary to the Local Plan and will begin to merge the villages of Coxheath and Loose harmful to the character of these villages.

The proposal would also be contrary to the Coxheath neighbourhood plan. In addition the proposal will require highway capacity improvement at the junction of A229 with Heath Road and would impact on local foul drainage system.

6.04 42 letters of representation have been received from local residents. (A number of these letters are from different members of the same household) making the following comments:-

- To many houses in this part of Coxheath, it is unnecessary to encroach in to rural areas.
- Will add to urban sprawl
- Works already carried out to the junction of A229 and B2163 have been waste of time and no improvement has been noticed.
- The junction of A229 and B2163 is already congested, this development will add to the problem. The other end of Coxheath (Forestal Lane and Linden FM and Older's Field provide better area for housing development due to lack of congestion.
- Emergency access and pedestrian access onto Aspian Drive will lead to parking on Aspian Drive causing harm to the amenities of residents of Aspian Drive.
- Loss of outlook towards the countryside.
- General noise and disturbance.
- Coxheath will become suburb of Maidstone.
- Inadequate infrastructure, school, shops, water and sewerage.
- What contribution this development will make to the improvement of local infrastructure.
- Affordable houses will devalue our houses.

## 7.0 CONSULTATIONS

### 7.1 Coxheath Parish Council:

Coxheath Parish Council notes the changes that have been made to the original application, submitted in May 2014, they appear cosmetic in the overall scheme of things and fall a long way short of convincing the Council that the scheme is needed in Coxheath or will do anything to benefit the community. An essential

element of the Neighbourhood Plan is to protect the rural nature and village identity of Coxheath. This application does nothing to meet those requirements. First and foremost this development is contrary to the Coxheath Neighbourhood Plan, which remains, we contend, a substantial material consideration. The site has been identified in the first draft of the Local Plan, against which our community has raised a very large number of major objections. We must remind you that Coxheath has been designated as a 'Larger Village' in the draft Local Plan rather than a 'Rural Service Centre' and as such, by virtue of Section 3.12 – Spatial Objectives, is only expected to absorb 'Limited Development' and 'where appropriate'. A site of 110 dwellings, outside the existing village envelope hardly meets this definition. In addition, in the context of the Local Plan, this site attracted 270 objections with not one comment in favour of what was being proposed.

There are a whole range of reasons why this proposed development is inappropriate:-

- As we have said before, it is very definitely urbanisation of the countryside, which is a reason applied elsewhere for refusing such applications;
- The proposed site is very close to the boundaries with Linton and Loose and as such contravenes existing anti-coalescence policies, as well as the draft Local Plan Policy SS1 Section 4.18 – Countryside, which states 'settlements should not be compromised by development that results in unacceptable coalescence';
- The application does very little to protect public rights of way, which cross the land in question. The Neighbourhood Plan requires the protection and development of easy access recreational walking routes, the enhancement of green open space around the village and the establishment of a countryside walking route. These plans merely show a path lodged between urban development and the village boundary and are not clear where the northern end of the path will link to existing public rights of way;
- In recent discussions between the Borough Council and the Parish Council, in the context of the Coxheath Neighbourhood Plan, it has been agreed that there should be a green buffer between public rights of way and any development. This application 'rides roughshod' over that agreement;
- The Parish Council is aware of the existence of badger setts on this land and also has evidence of the existence of adders;
- The land to be developed is currently classified in its entirety as Grade 2 agricultural land;
- The proposed development does nothing to improve the environment of the village;
- Each dwelling seems to be designed with two cycle storage units. It is very unsafe to cycle on any of the roads in Coxheath due to the high levels of traffic. There are no existing safe cycle routes, contrary to the claim in the original Sustainability Statement, and so we contend that cycle storage units are irrelevant;
- The Parish Council maintains that the proposed drainage ponds are both a potential health hazard, particularly if they become stagnant, and certainly a safety hazard for young children living on the site;

-Given the number of dwellings that are proposed the total of 209 parking spaces, including 22 visitor spaces, is inadequate and will result in on-street parking conflict;

-Insufficient thought has been given to the layout of the access on to Heath Road. There is already severe congestion resulting from the overloading of Linton Crossroads. Original suggestions of a roundabout seem to have been withdrawn, thereby adding to existing traffic flow problems;

-The Parish Council fails to understand how any decision can be taken on this site until there is at least a consultation on the Integrated Transport Strategy. Maidstone Borough Council must understand that planning decisions which add significantly to the housing stock in a restricted area such as Coxheath, with secondary roads that are already congested, cannot be judged in isolation and must take into account the cumulative affect on the arterial roads such as the B2163;

- There still appear to be no details of Section 106 agreements. The Parish Council would wish to see what is being proposed before any firm decisions are taken by Maidstone Borough Council.

For all of the above reasons, Coxheath Parish Council remains vehemently opposed to this application in principle and strongly recommends refusal.

## 7.2 KCC Economic Development

Having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure', KCC have re-evaluated the previous request which would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL. Without CIL in place, we are unable to continue with some earlier requests currently.

We are continuing, with Service providers, to re-evaluate and identify projects that can be delivered with 5 planning obligations.

Following meetings with KCC service providers, the KCC requirements for this development are now:

- Primary Education @ £2360.96 per applicable house (x100) & £590.24 per applicable flat (x2) = £237,276.48 towards the Coxheath Primary School enhancement
- Secondary education @ £2359.80 per applicable house (x100) & £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis school
- Library bookstock £5281.74 - project: bookstock for the new residents of this development alone (supplied to Coxheath Library)
- Community Learning £3376.63 – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- Youth equipment £933.38 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Coxheath)

- Social Care £6991.60 – project central Maidstone Changing Places Facility; Social care also request delivery of 3 Wheelchair Accessible Homes within the affordable housing on site.

KCC would request provision of Superfast Fibre Optic Broadband be secured by Condition.

### 7.3 Kent Highways Services

I note the stage 1 safety audit that has been undertaken and confirm on behalf of the highway authority that it is considered that the junction with Heath Road is acceptable for planning approval. Construction of this junction will require the applicant to enter into a Section 278 agreement however with this authority in order to establish appropriate construction and design details. This process will also include further safety auditing.

I note that extension of the speed limit is also proposed together with relocation of a terminal speed limit 'gateway' feature. This will also be subject to a S278 agreement with this authority and it is recommended that these features are completed prior to occupation of the first dwelling. Appropriate visibility from and construction of the proposed access point should be completed to the satisfaction of the planning and highway authorities prior to commencement of the construction of dwellings. I also note the emergency access proposed, on behalf of the highway authority I consider this to be satisfactory. For completeness, should this application be approved, I would recommend that by condition a long section of this access point is provided for approval prior to commencement, to ensure that there will be suitable transition gradients with Aspian Drive.

I consider that the level of parking proposed is acceptable and the layout enables servicing and refuse collection to be undertaken satisfactorily. Subject to appropriate amelioration of the effects of this development on Linton Crossroads I write to confirm therefore on behalf of the highway authority that I have no objection to this application.

- The application proposes the development of 110 new homes on land to the east of Coxheath with a new junction on the B2163 Heath Road. The site is included in the Maidstone Draft Local Plan for 130 houses with highway requirements for improvement to Linton Crossroads/A229 Linton Road.

- Heath Road is subject to a 40mph speed limit at the point of access and the intention is to extend the existing 30mph eastwards to cover the site access.

**An emergency access is proposed with Aspian Drive and this would also allow for pedestrian and cycle use.** This will provide an important link through to Stocketts Lane where there is a school and community facilities.

A future assessment including 5 years growth indicates that the Linton Crossroads, junction currently operates within capacity with some arms close to capacity with significant queue lengths. Taking into account the cumulative impact of development at Coxheath, Linton Crossroads would operate over capacity with congestion and it would add to queue lengths and to the delays.



A contribution of £1000 per dwelling is sought under s106 agreement towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

KCC Highway have no objections subject to the following conditions and informative.

1. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
2. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
3. Provision of measures to prevent the discharge of surface water onto the highway.
4. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
5. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
6. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
7. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
8. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
9. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

#### **7.4 Kent Police Crime Prevention Design Advisor:-**

We suggest that the following condition be added to ensure that this development has the appropriate crime prevention measures :-

The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with principle of good design and in compliance with NPPF.

#### **7.5 MBC Heritage, Landscape and Design**

There are no protected trees on or adjacent to the development site and there is little in the way of existing native vegetation except for boundary hedgerows.

The applicant's Landscape appraisal produced by Lloyd Bore Ltd is acceptable in principle and considers the Maidstone Landscape Character Assessment for the area, LCA 28, Coxheath Plateau and detailed area, 28-3, Coxheath Orchards; the guideline for which is improve and reinforce.

The relevant summary of actions for this area are as follows:

- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened.
- Encourage the planting of new community orchards around settlements, within large housing development schemes and on land of currently low biodiversity value to form part of the green infrastructure provision for strategic development schemes in the fruit belt. Such orchard planting would provide landscape, biodiversity and cultural benefits in addition to recreation and access opportunities, which would constitute locally relevant examples of the multi-functional green infrastructure that is advised by the South East Green Infrastructure Framework.
- The mature oak trees along Heath Road are important landscape characteristics. Reinforce this landscape characteristic through planting new Oaks.
- Improve and reinforce the locally important agricultural landscape through restricting urban influences along the B2163.

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Whilst the proposal does not, in its current form, entirely meet the recommended actions above, particularly in the context of urbanising of Heath Road, the detailed landscape proposals can go some way to address the issues raised. So long as the objectives of the Landscape Masterplan are adopted through the application of pre commencement conditions covering landscape details including the provision of protection details for existing trees/hedges proposed to be retained, implementation and maintenance details together with a long term management plan, there are no objections I can raise on landscape/arboricultural grounds.

## **7.6 KCC Ecological Advice Services**

We are satisfied with the level and extent of survey effort and do not consider it necessary for further survey work to be carried out at this time.

It is concluded in the report that the site is of limited ecological value, with the exception of the hedgerows around the site boundaries which are BAP habitat and have some potential to support protected species; the hedgerow along the western boundary has been assessed as of most potential ecological value.

It is unclear from the plans what extent of the hedgerows will be retained under the proposals; the *Landscape Masterplan* indicates some retained and some proposed hedgerows but we are unable to determine how much of each. In accordance with the mitigation hierarchy, the first consideration should be the avoidance of impacts; therefore where hedgerows can be retained they should be.

Recommendations to avoid and minimise the potential for ecological impacts and particularly harm to protected species are provided in sections 6.3 and 6.4 of the

*Ecological Appraisal* report. We advise that the implementation of these measures should be secured by condition, if planning permission is granted. Suggested condition wording is provided below:

*Construction Environmental Management Plan: Biodiversity – suggested condition wording:-*

*No development shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following.*

- a) Risk assessment of potentially damaging construction activities;*
  - b) Identification of “biodiversity protection zones”, including use of protective fences, exclusion barriers and warning signs;*
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);*
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;*
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;*
  - f) Responsible persons and lines of communication;*
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

#### **7.7 KCC Archaeological officer**

The site lies within a general area for early prehistoric remains and Iron Age activity associated with the Scheduled Boughton Iron Age Camp to the north east and associated earthworks in the wider area. There is potential for archaeology to survive on this site and I recommend the following condition is placed on any forthcoming consent:

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

#### **7.8 NHS Property Services** This development is expected to result in a need to invest in a number of local surgery premises:

-Stockett Lane Practice

-Orchard surgery, Coxheath

All of the above surgeries are within a 1 mile radius of the development at Heath Road. This contribution will be directly related to supporting the improvements within

primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd will continue with the NHS West Kent formulae for calculating s106 contributions which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

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

#### **Predicted Occupancy rates**

1 bed unit @ 1.4 persons  
 2 bed unit @ 2 persons  
 3 bed unit @ 2.8 persons  
 4 bed unit @ 3.5 persons

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

<b>Predicted Occupancy rates</b>	<b>Number of dwellings</b>	<b>Total occupancy</b>	<b>Contribution sought (Occupancy x £360)</b>
2 bed unit @ 2 persons	<b>6</b>	<b>12</b>	<b>4,320</b>
3 bed unit @ 2.8 persons	<b>44</b>	<b>123.2</b>	<b>44,352</b>
4 bed unit @ 3.5 persons	<b>28</b>	<b>98</b>	<b>35,280</b>
<b>Total</b>			<b>£83,952</b>

NHS Property Services Ltd does not seek contribution for affordable units; therefore NHS Property Services LTD seeks a healthcare contribution of £68,724. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

#### **7.9 MBC Park & Leisure**

The Parks and Open Spaces Team have viewed this application and would make the following observations;

For a development of this size, we would expect a minimum of 1.15ha onsite open space provision. Given that the applicant is proposing about 5000sqm on site provision; we would therefore estimate a shortfall of 0.65ha. As such we would request a financial contribution of £890.22 per dwelling. This is calculated by taking the standard request per dwelling of £1575 (where no onsite open space is provided).  $1575/115 (115 = 1.15ha) = £13.695652*65(65=0.65ha)= £890.22$

$£890.22*110 \text{ dwellings} = £97924.20$

We would request that the offsite contribution be directed towards Stockett Lane Recreation Ground, which lies approximately 700m to the North West of the development site. Stockett Lane is owned by the Parish Council and is one of the main focal points for the area of Coxheath. It houses the local village hall and is therefore a focal hub for the community. Coxheath is currently underprovided for in terms of outdoor sports facilities and we would envisage that an off-site contribution be directed here for the improvement, maintenance, repair and renewal of the open space and play facilities at this site.

**7.10 Uk Power Networks:** Has no objection to the proposed works

**7.11 Environmental Agency:-** Has no objection so long as the following conditions and informatives are included in any permission granted:

Condition: The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted flood risk assessment (Ref:AMA358 Rev.0) dated 15 April 2014.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

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 resulting unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

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

Reason: To protect ground water resources and ensure compliance with the NPPF.

## 7.12 Southern Water

Following initial investigations, 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 existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewer, 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.

Should this application receive planning approval, please note include, as an informative to the permission, the following requirement:

“The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).”

Our initial investigations indicate that the existing surface water system can accommodate a surface water flow of 17.0l/s. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The drainage application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system which may result in inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme; Specify a timetable for implementation; and provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

### **7.13 MBC Housing:-**

I note that the application seeks full planning permission for the erection of 110 dwellings together with creation of a new access and landscaping provision.

It is being proposed by the developer at 7.2.1 of the planning statement that, ‘...the requirement for affordable housing would be 40% and it is on this basis that this scheme would provide 44 of the 110 dwellings for affordable housing. These properties would be split into 8 one and two bedroom apartments, 20 two bedroom houses, and 14 three bedroom houses.’

It goes on to acknowledge at 7.2.2 that adopted housing DPD requires a tenure split of 60/40 (social rented / shared ownership.)

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

*Affordable Rented Units (60%)*

*1-Beds (35%), 2-Beds (30%), 3-Beds (20%), 4-Beds (15%)*

*Shared Ownership Units (40%)*

*1-Beds (40%), 2-Beds (40%), 3-Beds (20%)*

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

### **7.14 Rural planning advisor Agricultural grade of the land**

I refer to planning application submitted on behalf of Countryside Properties for residential development of agricultural land at the above location.

At the National Level, Paragraph 112 of the NPPF states:-

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

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

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

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49)

The proposed site here comprises some 4.0 ha (9.9 acres) of arable land at the eastern edge of the village, at about 115m above sea level.

DEFRA's 1:250,000 scale mapping is insufficiently detailed to reliably define land quality on an individual field scale, however DEFRA's "Magic" website indicates that a more detailed study of this site has been undertaken as attached. This shows the

land to be mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category, apart from a small area of the site that forms part of wider farm land roughly triangular area of some 0.75 ha fronting the public road to the south that is indicated as Grade 2 (very good) quality.

The loss of the Grade 2 land could be considered of some significance, in principle, as land falling into the "best and most versatile" category, but the overall balance of benefits, and adverse impacts, is a matter for a Planning judgement (as indicated in the above-mentioned Natural England advice). One consideration in this regard is the practicality of any alternative scheme that restricted development of this site to the poorer quality land alone, which would leave the Grade 2 land as a rather small, awkwardly shaped, isolated parcel in terms of any future productive agricultural use.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 Drawing no 2491-01, 2491A-100C, 2491A-101B, 2491A-102B, 2491A-103B, 2491A-200, 2491A-201, 2491A-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-208, 2491A-209 Rev A, 2491A-210 Rev A, 2491A-211 Rev A, 2491A-212 Rev A, 2491A-213 Rev B, 2491A-214 Rev A, 2491A-215 Rev A, 2491A-216 Rev B, 2491A-217, 2491A-218, 2491A-219, 2491A-220, 2491A-221, 2491A-300, 2491A-301, 2491A-302, 2491A -303, 2491A-350, 2491A-351, 2491A-352, 2491A-353 MRW G4648-1, Planning statement May 2014, Design and access Statement, Design and access Statement Addendum Sustainability statement, Code for sustainable homes produced by Turley Sustainability May 2014, Sustainability per assessment, Ecology Appraisal by Aspect Ecology Ltd March 2014, Parking strategy May 2014, Transport assessment May 2014 and Flood risk assessment dated 15 April 2014, Desk Study and Ground Investigation Report February 2014 received 16<sup>th</sup> May 2014 and 17 March 2015

## **9.0 APPRAISAL**

### **Principle of Development**

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



- 9.02 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.
- 9.03 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.
- 9.04 Paragraph 47 of the NPPF states that Councils should identify a 5 year land supply.  
The Council has undertaken a Strategic Housing Market assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the 'objectively assessed need' for some 19,600 additional homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May 2014, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 9.05 At April 2014, the Council had 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.
- 9.06 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."
- 9.07 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement of the Coxheath, identified as a large village in the draft Local Plan under policy SP4, that provide services that meet the day to day needs of their communities including a school, doctor surgery, shops, public house facilities, albeit that these would require improvement or upgrading commensurate with any increase in population, and good public transport links to employment and retail centres.
- 9.08 Large Villages are considered to be sustainable locations in Maidstone's settlement hierarchy outside of the town centre and Rural Service Centres as

set out in the draft Local Plan for limited new housing development provided that it is in keeping with their role, character and scale. It is considered that an appropriate increase in population would help to support village services and facilities, by virtue of their accessibility, potential for growth and role as a service delivery area for the surrounding areas.

- 9.09 Coxheath Parish Council has objected to this application and states that the application site is not a housing land allocation in the Neighbourhood Plan. It is important to note that whilst Coxheath NP is at advanced stage and is awaiting to be assessed by an independent examiner in public and then the community Referendum. Whilst work on the NP is progressing, there are key stages ahead.
- 9.10 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,
- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*
  - *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and*
  - *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)*
- 9.11 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging Local Plan (Spatial Strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is an important material consideration, but is yet to be examined.
- 9.12 In February 2015 Cabinet considered a number of proposed housing allocations within the Regulation 18 Consultation including Site H1(44) the application site and resolved that this site should be retained as a draft housing allocation and go forward to Regulation 19 consultation.
- 9.13 Coxheath has shops, post office, doctor surgery, primary school, restaurant and other community facilities and in recognition it has been designated as a large village and policy H1 (44) has identified the application site as a potential site for development of 130 houses subject to adherence to the following criteria:

**Design and layout**

1. The hedgerow along the western boundary of the site will be retained in order to provide a suitable buffer between new housing and existing housing on Aspian Drive, and to protect the amenity and privacy of residents living in Aspian Drive.
2. The hedgerow along the northern boundary of the site will be retained to form a natural break between housing allocations.

3. The hedgerow along the eastern boundary of the site will be retained in order to soften the landscape views from the east.

4. Development should have regard to the public footpath running along the eastern boundary of the site.

#### **Access**

5. Access will be taken from Heath Road only.

#### **Ecology**

6. Development will be subject to the results and recommendations of a phase one ecological survey.

#### **Open space**

7. Provision of publicly accessible open space as proven necessary, and/or contributions.

#### **Community infrastructure**

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

#### **Highways**

9. Appropriate contributions towards mitigation measures to improve the crash record at the junction of Heath Road and the A229 Linton Road.

- 9.14 Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 9.15 In this context, it is considered that the location of the site is sustainable in the terms of paragraph 49 of the NPPF which says housing applications should be considered in the context of the presumption in favour of sustainable development.
- 9.16 Given lack of a five year housing land supply and the consistency of the local plan with the Framework's requirements, that policy objection is not determinative if, as here, the spatial application of the policy ENV28 is out of date and needs to be altered in order to meet the objectively assessed development needs of the Borough. Therefore policy ENV28 should be considered out of date and permission should be granted unless any adverse impacts can be demonstrated that would outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 9.17 In terms of the location of the site, The NPPF says, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of the rural communities. Policy SP4 of Maidstone Borough Local Plan Regulation 18 has identified Coxheath as a larger village where limited new housing and population increase would help to support village services and facilities.
- 9.18 In the light of the five year land supply position as set out above, it is considered that bringing forward development in this sustainable location would assist to meet the shortfall in housing supply and this is a significant material consideration in favour of granting permission for the development. Therefore having regard to the above, it is

considered that the proposal would accord with NPPF and there is no in principle objection to the residential development of this land.

- 9.19 I note the objections of the Parish Council. However, in my view, the current situation with regard to the lack of a 5-year housing land supply within the Borough should be given significant weight as a material consideration in this instance.
- 9.20 Reference has been made by the Parish Council to the on-going Local Plan and Neighbourhood Plan and that this application is premature and should not be entertained in advance of the completion of that work.
- 9.21 Whilst the draft Local Plan has been agreed by Cabinet and will shortly be out for public consultation, and work on the Neighbourhood Plan is progressing, both plans would need to be the subject of an examination. Given the stage of these plans and likely timescales for this process, and the current housing supply issue set out above, it is not considered appropriate to delay consideration of this application on that basis.
- 9.22 For the above reasons, it is considered the policy principle of residential development of this site to be acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

#### **Design, Visual/Landscape Impact**

- 9.23 The site is relatively flat open arable farm land partially enclosed by tall hedging along its eastern, southern and western boundaries. The site is visible from Aspian Drive, through the vehicular access gap in the hedge along its frontage with Heath Road and from the public right of way that runs along the eastern boundary of the site. From north the site is visible from long distance only.
- 9.24 It is considered that there will inevitably be a significant visual impact as the openness of the site will be replaced by two storey houses and will change from agricultural use to a residential one. However, as required by policy H1(44) of Reg 18 Local Plan, the proposed housing estate layout seeks to retain hedges along the boundaries and reinforce the existing screening by additional landscaping along the western and northern boundaries to minimise this visual impact. The proposed layout and vehicular access to the site would result in the loss of the existing hedge along the southern boundary and as a consequence the development would be exposed to views from its frontage with Heath Road, However to limit the views into the site and soften the frontage with the Heath Road, Aspian Drive and from the north a landscaping condition is recommended.
- 9.25 It is envisaged that long distance views from the north would not be significantly affected as with the exception of the two storey flat block that is close to the north eastern boundary, significant parts of the northern boundary would be given over to the amenity area and kept as soften landscaping. In addition the rest of the dwellings along the northern boundary would have their back garden facing northward and this would provide the opportunity for landscaping and soft boundary treatment like native hedge planting to reduce visual impact and complement biodiversity and wildlife in the locality.
- 9.26 It is further considered that the tall hedge and trees along the boundaries with the adjoining fields would help to screen and soften the two storey houses when viewed from places like Forstal Lane, Well Street and Vale Road to the north and a high

quality of landscaping scheme and roofing materials would help to soften the impact of the development.

- 9.27 Moreover, it is considered that the proposed layout and house types along the western boundary would provide large gaps between houses and thus views towards the east for the houses in Aspian Drive. Moreover, the development would leave sufficient space between the flank of the proposed houses along the western boundary of the site with Aspian Drive to allow for landscaping and screening of the development from the west. On balance therefore the proposal would relate well and blend in with its immediate and wider surrounding.
- 9.28 Objections have been received from the residents in Aspian Drive about the loss of countryside outlook and the proposed changes to the streetscape of Aspian Drive. However, the changes proposed are not uncommon in any edge of settlement location development and street scene. It is considered that the proposed siting and orientation of the houses would help to provide substantial gaps between the houses and thus provide a sense of openness and views across the site from west to east and towards the large amenity spaces proposed in this development. It is therefore considered that the visual impact of the proposal along its western boundary would not be significant and would relate well with wider Coxheath streetscape. Moreover, the layout clearly shows that none of the houses or flat blocks along the western boundary of the site will have a frontage with Aspian Drive. To soften the visual impact of the development additional landscaping would be possible along the development frontage with Aspian Drive.
- 9.29 The layout shows some off site highway works involving creation of a bell mouth junction with Heath Road together with removal of existing boundary hedge and erection of houses along the road frontage. It is considered that although these works would open up the site frontage to views from the south the layout of the development shows that the majority of the houses proposed along the frontage with Heath Road would be staggered to replicate the building line of the adjoining properties to the west and east of the application site in acknowledgement of its edge of village location, set behind a generous landscaping buffer that separate the houses from the road, thus minimising visual impact of the development from the south/ Heath Road.
- 9.30 The proposal would also alter the character of the footpath KM67 for the length of the development from an unmade open footpath on the edge of an arable field to a more defined and landscaped ecology corridor on the edge of this rural location..
- 9.31 The proposed layout shows pockets of landscaped amenity areas and green buffer areas between the eastern flank of the development and footpath KM67. It is considered that this aspect of the proposal together with the existing tall hedge along the eastern boundary would bring about a visual enhancement and a more attractive walking environment for the residents and walkers. It is however important to ensure that native plants are used in the landscaping of the garden of the houses along the eastern edge of the site as well as use of log piles in the western edge of the foot path in order to ensure that an ecologically balance and sustainable habitats are created for enjoyment of the residents and users of the footpath and wildlife. Furthermore the works proposed to the PROW would accord with Coxheath Parish Council's aspiration and Neighbourhood Plan to create a circular foot path in the parish.
- 9.32 Given the context of the surrounding area, it is considered that the proposed mixed and varied house types and flat blocks would provide a satisfactory range of dwellings and living environment for a mixed community that would complement

Coxheath. The proposal is considered acceptable subject to a condition requiring the submission of external finished materials to ensure the development be in keeping with its wider surrounding.

- 9.33 The proposal would have a density of just under 26dph which is in keeping with the density of properties to the west. In addition the layout involves a large village green type open amenity area together with a pond towards the centre and northern part of the site. This open amenity area would give the development a sense of space, visual attraction and focal point for the future residents.
- 9.34 With respect to the detailed design of the houses it is considered that the proposed house types and materials are in keeping with the appearance, scale and character of houses in Aspian Drive, Heath Road and the surrounding area. The pallet of materials comprise external cladding material to be brick with complementary mortar and secondary focal elements of tile hanging with limited use of white weather boarding to add visual interest and variety. The pitched roofs will be clad in a high quality slate with a riven finish and plain tiles mixture to provide continuity through-out the development.
- 9.35 Loose Parish Council raised concern that the proposal would result in coalescing of the two villages of Loose and Coxheath. It is considered that although this development would narrow the gap between these two settlements to some extent, it would not result in coalescing as there will still remain a significant gap between the two villages and the proposal would not detract from the open gap and countryside aspect surrounding these villages.
- 9.36 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated, to some extent, by the additional planting along the boundaries of the site in the form of native hedgerow with hedgerow trees, which would soften the visual impact of the development and enable it to integrate easier with its adjoining rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

### **Residential Amenity**

- 9.37 Paragraph 56 of the NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to make places better for people.
- 9.38 The submitted design and access statement states that the layout, scale and appearance of the development have evolved in a number of ways to take account of the policy requirements and pre-application advice.
- 9.39 The proposed development has been designed to provide high levels of day light, sunlight and privacy for the future occupiers and minimise impact on the amenities of the occupiers of adjoining residential properties. It is considered that the proposal would not cause any adverse impact on the sun light and day light of the properties in Aspian Drive as well as on dwellings proposed inside the development.
- 9.40 Some residents of Aspian Drive expressed concern about loss of outlook into the countryside. In response to this the proposed houses and the estate layout along the western boundary have been re-designed by turning the houses side on to allow filtered views across the site from west to east. Although some residents of Aspian

Drive would lose outlook into the countryside, it is considered that loss of view on its own is not good justification for refusing the application.

- 9.41 Houses and rooms have been designed and orientated to maximise use of sun light and day light. The houses are designed with small front gardens and parking or garaging to the side or rear and satisfactory levels of garden/amenity areas. Moreover the sitting and relationship of the houses with one another is well positioned and as a result no overlooking or loss of light would result.
- 9.42 The proposal would have a density of just under 26dph which is in keeping with the density of properties to the west. In addition the layout involves a large village green type open amenity area together with a pond towards the centre and northern part of the site. This open amenity area would give the development a sense of space, visual attraction and focal point for the future residents.
- 9.43 Affordable housing on this site would be 40% (44 dwellings) of the development and these residential units are dispersed across the site to ensure better integration and mixed community.

### **Highways**

- 9.44 Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.
- 9.45 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
- 9.46 The proposed development would provide a single vehicular access to the site from Heath Road with new pavements on either side. Additional pedestrian and emergency access would also be provided from Aspain Drive to facilitate easy access to the nearby school.
- 9.47 The application is supported by a Transport Assessment Statement which concludes that traffic resulting from the development would have limited effect on the operation of the highway network in the vicinity of the site. Kent Highway Services have raised no objections to the development. It is recommended that the 30mph limit on the B2163 Heath Road is moved westwards beyond the site boundary and that a footway is provided from the point where the existing footway on the north side of Heath Road ceases to the point where the new 30mph limit would start. Such details can be secured by condition
- 9.48 A future assessment including 5 years growth has also been carried out as advised by KCC. This indicates that the Heath Road/Stockett Lane/Westerhill Road junction would not be adversely affected by the introduction of the development traffic. In terms of the Linton Crossroads, the modelling indicates that the junction currently operates within capacity with some arms close to capacity with significant queue lengths. Taking into account the cumulative impact of development at Coxheath, Linton Crossroads would operate over capacity with congestion and it would add to queue lengths and to the delays.
- 9.49 Therefore a financial contribution is being sought to a design and capacity assessment of the existing traffic signals in order to produce a mitigation scheme that would allow the junction to cope with the future demand. KCC Highways have

requested a contribution of £1000 per dwelling, which would be secured from the draft housing sites and any other major sites proposed within the village. This is expected to cover the design and capacity works (£10,000) and the actual improvements and would be secured under the s106

- 9.50 The development is close to the primary school and village essential community facilities so trips to and from these destinations is likely to be made on foot. A bus stop is also nearby; a few meters west of the junction of Park Way with Heath Road. As such future residents would not wholly depend on the car as a means of transportation.
- 9.51 KCC Highways and Transportation has no objection however the proposal would involve some off-site highway works, these would be carried out under section 278 of the Highway Act. Therefore a condition dealing with this issue would be necessary.
- 9.52 The proposal would made provision for 221 on site car parking and garaging spaces. These comprise 137 parking spaces for 66 market houses, 23 parking spaces for visitors and 61 unallocated car parking spaces for 44 affordable dwellings plus four fogs (flat over garage). Cycle storage facilities would also be provided within in the curtilage of each dwelling house. It is considered that the proposed level of car parking provision is satisfactory and the development would not impact on the highway safety or amenities of the surrounding properties.
- 9.53 The proposal is therefore acceptable subject to the conditions and informatives requested to be by the KCC highways Services.

### **Drainage**

- 9.54 The application site has been supported by a flood risk assessment (FRA) which demonstrates that the site lies within Food Zone 1(FZ1) where there is a low risk of flooding from all sources.
- 9.55 The most likely potential source of flooding is from surface water. The FRA concluded that site runoff is to drain into the ground via infiltration systems.
- 9.56 The Environmental Agency has commented that the proposed surface water attenuation system is acceptable. The Environment Agency supports the proposal to deal with surface water drainage by way of a SUDS Sustainable Urban Drainage Systems. The proposed SUDS is designed to restrict 1:100 year storm event. The proposed SUDS measures comprise the incorporation of water attenuation storage by way of basins and swales along the middle northern part of the site.
- 9.57 The proposed surface water attenuation systems utilises an infiltration rate of  $6 \times 10^{-6}$  m/s. The total required attenuation storage volume is  $1605 \text{m}^3$ . This will be provided in a centralised SUDS system for one infiltration basin and 2 underground tanks, in order to work with the steep topography. Whilst no objection has been raised to the development on the grounds of surface water flood risk, conditions have been requested by both the Environment Agency and Southern Water, including the submission of details of the SUDS and the implementation of the approved details. These are considered to be reasonable and necessary in the circumstances of this case. No comments from KCC regarding SUDS were received.
- 9.58 Southern water has stated 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 existing properties and land may be subject to a greater risk of flooding as a result.

- 9.59 Additional off-site sewer or improvements to existing sewers will be required to provide sufficient capacity to service the development. To ensure that this development does not adversely impact on the off-site sewer system, it is recommended that a condition be imposed requiring that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

### **Ecology and Landscaping**

- 9.60 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging application of biodiversity schemes in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.
- 9.61 The application has been supported by an Ecological appraisal report which has been assessed and accepted by the KCC ecological officer. The report found very limited ecological interests within the site but the boundary hedgerows have the potential to support nesting birds. The eastern boundary hedgerow will be retained and complemented with additional landscaping and new ecological corridor along the eastern boundary.
- 9.62 To mitigate the impact of the development and enhance biodiversity and landscape value of the development it is suggested that the hedgerows be protected during the construction period and also the open space land area in the middle and northern parts of the site to be designed to encourage wild life and biodiversity. It is also considered appropriate to impose a condition requiring the use of swift bricks and bird boxes in the new houses.
- 9.63 It is considered that the proposed mitigation measures would subject to the conditions set out above achieve the required ecological diversity and safeguard the existing well established mature hedgerows around the site, enhance opportunities for a diverse and protect the wildlife, enhance visual amenities of the site, and therefore the scheme is considered to be acceptable in this respect.

### **Code for Sustainable homes**

- 9.64 Following the technical housing standards review, the previous government issued a [written ministerial statement](#) withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says "*planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency*". As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.

### **Other Matters**

- 9.65 KCC Archaeological Officer states that the site lies within early prehistoric remains and Iron Age activity associated with the Scheduled Boughton Iron Age Camp to the

north east and associated earthworks in the wider area. There is potential for archaeology to survive on this site and an archaeological condition is recommended on any forthcoming consent.

### **Planning obligations**

9.66 This development is likely to place additional demands on local services and facilities. To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.

9.67 In terms of the remaining contributions previously agreed, Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.

9.68 KCC has reassessed their requests in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result the following contributions have been sought.

- The provision of 40% affordable housing equates to 44 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.
- 
- Primary Education @ £2,360.96 per applicable house (x100) & £590.24 per applicable flat (x2) = £237,276.48 towards the Coxheath Primary School enhancement.
- Secondary education @ £2,359.80 per applicable house (x100) & £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis school.
- Library bookstock £5,281.74 - project: bookstock for the new residents of this development alone (supplied to Coxheath Library)
- Community Learning £3,376.63 – project new IT equipment to St Faiths Adult Education Centre in Maidstone
- Youth equipment £933.38 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Coxheath)
- Social Care £6,991.60 – project central Maidstone Changing Places Facility;
- A financial contribution of £890.22 per dwelling. £890.22x110 dwellings = £97,924.20 be directed towards Stockett Lane Recreation Ground,
- NHS Property Services LTD seeks a healthcare contribution of £68,724 to enhance healthcare needs at Stockett Lane Practice and Orchard Surgery Coxheath.
- Contribution of £1,000 per dwellings towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

9.69 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements

## **10.0 CONCLUSION**

10.01 Whilst the proposed development conflicts with Local Plan Policy ENV28, the Council cannot at present demonstrate a 5 years of deliverable housing land supply when measured against the Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). For the reasons set out above it is considered that the proposal would comply with paragraph 14 of NPPF in that the benefits of the development would significantly and demonstrably outweigh any adverse impact, when assessed against the policies of the NPPF.

10.02 The site is situated in a sustainable location adjoining the settlement boundary of Coxheath in the Local Plan, which offers a good range of facilities and services, and public transport links. The proposal site would represent a natural expansion of the village with very limited localised visual protrusion into open countryside.

10.03 There are no highway objections and contributions would be secured to mitigate impacts upon the Linton Crossroads. Also appropriate infrastructure would be provided and affordable housing. There are no ecology or amenity issues that cannot be mitigated by planning conditions.

10.04 The design of the proposed houses, flat blocks and estate layout is considered to be of a good quality and the landscaping provision together with provision of an ecology corridor along the length of PROW within the development site would create an attractive environment for future occupiers and wider residents of Coxheath.

10.05 There are clearly a number of benefits that weigh in favour of the proposed development comprising delivery of both open-market and much-needed affordable housing and being in a sustainable location in terms of access to everyday services and facilities. The development would also assist the local economy through the generation of construction and other jobs.

10.06 It is considered that whilst the proposal would be in conflict with Coxheath NP, given that NP has not been through independent examination and referendum it does not carry sufficient weight that provides ground on which to refuse the application.

10.07 Having regard to all the above it is considered that this is a balancing test as required by NPPF; as such it is considered that compliance with NPPF policy is sufficient grounds for departure from adopted local Plan and recommend this development for approval.

## **11.0 RECOMMENDATION**

Subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the followings:

A: The provision of 40% affordable housing equates to 44 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.

B: Secure the following developer's contributions:

- A contribution towards Primary Education @ £2,360.96 per applicable house (x100) & £590.24 per applicable flat(x2)= 237,276.48 towards the Coxheath Primary School enhancement.
- A contribution towards Secondary education @ £2,359.80 per applicable house (x100) & £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis school.
- A contribution towards Library bookstock £,5281.74 - project: bookstock for the new residents of this development alone (supplied to Coxheath Library)
- A contribution towards Community Learning £3,376.63 – project new IT equipment to St Faiths Adult Education Centre in Maidstone.
- A contribution towards Youth equipment £933.38 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Coxheath)
- A contribution towards Social Care £6,991.60 – project central Maidstone Changing Places Facility;
- A contribution towards NHS Property Services LTD of £68,724.00 to enhance healthcare needs at Stockett Lane Practice and Orchard Surgery Coxheath.
- A contribution towards of £890.22 per dwelling. £890.22x110 dwellings = £97,924.20 be directed towards Stockett Lane Recreation Ground,
- Contribution of £1,000 per dwellings towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

C: Head of Planning and Development be given delegated powers to grant planning permission subject to the imposition of the conditions set out below:

1) The development hereby permitted shall begin no later than 2 years from the date of this decision.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2491-01, 2491A-100C, 2491A-

101B, 2491A-102B, 2491A-103B, 2491A-200, 2491A-201, 2491A-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-208, 2491A-209 Rev A, 2491A-210 Rev A, 2491A-211 Rev A, 2491A-212 Rev A, 2491A-213 Rev B, 2491A-214 Rev A, 2491A-215 Rev A, 2491A-216 Rev B, 2491A-217, 2491A-218, 2491A-219, 2491A-220, 2491A-221, 2491A-300, 2491A-301, 2491A-302, 2491A-303, 2491A-350, 2491A-351, 2491A-352, 2491A-353 MRW G4648-1, Planning statement May 2014, Design and access Statement, Design and access Statement Addendum Sustainability statement, Code for sustainable homes produced by Turley Sustainability May 2014, Sustainability per assessment, Ecology Appraisal by Aspect Ecology Ltd March 2014, Parking strategy May 2014, Transport assessment May 2014 and Flood risk assessment dated 15 April 2014, Desk Study and Ground Investigation Report February 2014 received 16<sup>th</sup> May 2014 and 17 March 2015

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

3) No development shall take place until schedule/samples of the materials and finishes to be used in the construction of the external walls, roofs, windows and doors of the buildings hereby permitted 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: To ensure a satisfactory appearance to the development.

4) The development shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted food risk assessment (Ref:AMA358 Rev.0) dated 15 April 2014. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

5) 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 resulting unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Schedule 2, Part1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties.

7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, (the landscaping scheme and SUDS scheme should be integrated to deliver green infrastructure by creating green open space which can encourage biodiversity and habitats) using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

Reason: In the interest of ecology enhancement and visual amenity of the area.

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

9) A landscape and habitats management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management and habitat management plan shall be carried out as approved.

Reason: In the interest of habitat protection and visual amenity of the area.

10) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall as set out in part 6.3 and 6.4 of ecological appraisal report March 2014 be submitted to and approved in writing by the local planning authority. All trees and hedge rows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

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

11) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/ compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/ compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

12) Prior to commencement of the development, details of a scheme that turns PROW KM 67 within the application site to an ecology corridor environment shall have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include a timetable for implementation. The approved scheme shall be completed in accordance with the approved details prior to the occupation of 50% of the dwellings on the site.

Reason: In the interests of amenities of the future occupiers of the development.

13) Prior to the occupation of the first dwelling a scheme for management and maintenance of SUDS (if not included in the landscape management scheme condition 11 above) shall be submitted to and approved in writing by the Local Planning Authority. The SUDS system shall be management and maintained in accordance with the approved scheme thereafter.

Reason: In the interests of flood prevention and amenities of the local residents.

14) Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed.

Reason: In the interest of visual amenity of the surrounding properties.

15) 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 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.

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 harm to sensitive local ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

17) 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.

18) None of the dwellings hereby permitted shall be occupied until the car parking, garaging, car ports and visitor car parking spaces associated with that particular unit of accommodation have been constructed in accordance with the approved plans. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

19) None of the dwellings hereby permitted shall be occupied until sustainable surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling. The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation in relation to the development; and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

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



20) None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

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

21) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

22) Construction works including the use of plant and machinery on the site shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

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

- i- Extension of 30mph speed limit to the east of the application site.
- ii- Relocation of a terminal speed limit gateway feature.
- iii- Construction of visibility sightlines on to Heath Road to the satisfaction of highway authority prior to the commencement of the construction of dwellings.
- iv- Removal of the existing dropped kerbs from Heath Road on to the site.
- ii. New dropped kerb crossings and tactile paving provided on Heath Road with the new vehicular access Road.

Reason: In the interests of highway safety.

24) Prior to the commencement of the development details of the emergency pedestrian and vehicle access road from Aspain Drive to the application site shall be submitted for approval to the Local Planning Authority. The approved

emergency access shall be constructed in accordance with the approved details prior to the occupation of the 50<sup>th</sup> dwellings.

Reason: In the interests of highway safety and amenity.

25) Details of bird and bat boxes/bricks to be provided in the development shall be submitted to and approved in writing by the Local Planning Authority within three months from the commencement of the development. The approved bird and bat boxes/bricks shall be installed before any respective dwelling is first occupied. Thereafter the approved bird and bat boxes shall be retained in accordance with approved details.

Reason: To enhance biodiversity in the interests of nature conservation and biodiversity protection in accordance of the NPPF.

26) None of the buildings hereby permitted shall be occupied until underground ducts have installed. The development should make provision for telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: In the interests of residential and visual amenities of the area.

27) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with principle of good design and in compliance with NPPF.

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Schedule 2, Part1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties.

29) No development shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following.

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones", including use of protective fences, exclusion barriers and warning signs;

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;

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

Reason: In the interests of biodiversity and ecology of the area.

#### INFORMATIVES

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

It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

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

3) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119) or [WWW.southernwater.co.uk](http://WWW.southernwater.co.uk).

4) Prior to the commencement of the development hereby permitted details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority.

- i) the parking of vehicles of site operatives and visitors
- ii) the routeing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development the erection and maintenance of security fencing
- vi) wheel washing facilities
- vii) measures to control the emission of dust and dirt during construction
- viii) a scheme for recycling/disposing of waste resulting from the construction works

- ix) Precautionary measures to ensure that no badgers become trapped or injured during development period.
- x) Provision of measures to prevent the discharge of surface water onto the highway.
- xi) Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- xii) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.