

REPORT SUMMARY

REFERENCE NO - 13/1979		
APPLICATION PROPOSAL Outline planning application for up to 55 residential dwellings with 40% affordable housing. All matters reserved.		
ADDRESS Land North Of Heath Road (Olders Field), Coxheath, Maidstone, ME17 4TB		
RECOMMENDATION Permission granted subject to legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The site lies outside the built up extent of Coxheath village as defined in the adopted Maidstone Borough-wide Local Plan 2000 and is contrary to policies ENV28 and ENV32. However, the proposed development is considered to be in a sustainable location and would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan. The application was previously reported to planning committee on 18/12/2014 and was recommended for refusal on the basis that the proposals would form an undesirable expansion of the settlement into open countryside and would erode the gap between Coxheath and East Farleigh, contrary to policies ENV28, ENV32, and H1 of the adopted Local Plan. It was resolved to defer consideration to seek 40% affordable housing with appropriate viability evidence if not achievable, further ecological surveys of the site and additional details of surface water drainage to address Environment Agency comments. Further information has been submitted in accordance with the earlier committee resolution. The applicant is has agreed to provide 40% affordable housing and to enter into a legal agreement to ensure that justified contributions are met. A revised Flood Risk Assessment and additional ecological information have also been submitted.		
REASON FOR REFERRAL TO COMMITTEE Contrary to adopted MBWLP (2000) - (policies ENV28 and ENV32)		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson
DECISION DUE DATE 17/02/14	PUBLICITY EXPIRY DATE 17/02/14	OFFICER SITE VISIT DATE 15/10/14 & 4/9/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
MK/3/71/385 - Planning permission granted 1972 for petrol filling station and showroom with caretaker's flat fronting Heath Road. The development was commenced and a lawful development certificate was granted in 1999 (99/0771) which confirmed that the permission remained valid. 75/1182 - Petrol filling station, showrooms and workshops, ancillary offices and managers flat - refused - April1976.		

79/1745 - Residential development with public playing fields and other community facilities - refused - 18/12/1979.

88/2135 - Discontinuance of scrap yard use and erection of small industrial/warehousing units refused 25/4/1989.

96/0233 - Outline application for residential development with all details reserved for subsequent approval except means of access involving new access - refused 2/5/1996.

13/1999 - Land south of Pleasant Valley Lane - Change of use to public open space - Permission granted 19/12/14

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The relevant background is that the application was reported to the planning committee on 18/12/14 with a recommendation for refusal, (copy of report attached, Appendix 1). The basis of the previous recommendation was that the proposals would form an undesirable expansion of the settlement into open countryside and would erode the gap between Coxheath and East Farleigh, contrary to policies ENV28, ENV32, and H1 of the adopted Local Plan.

1.2 However the committee considered that the principle of development should be supported and it was resolved to defer consideration for the following reasons to seek:

1. 40% affordable housing with appropriate viability evidence if not achievable,
2. further ecological surveys of the site,
3. additional details of surface water drainage to address the Environment Agency comments.

Further information has been submitted in accordance with the earlier committee resolution. The applicant has agreed to provide 40% affordable housing and to enter into a legal agreement to ensure that justified contributions are met. Additional ecological information and a revised Flood Risk Assessment have also been submitted.

1.3 Since the application was reported to the planning committee on 18/12/14 the site has been approved for inclusion in the Regulation 18 Consultation at Strategic Planning, Sustainability and Transportation Committee on 18/8/15 for inclusion in the Draft Maidstone Borough Local Plan as a proposed housing allocation H1(75).

1.4 The site lies on the western side of Coxheath beyond the present built-up extent of the settlement as defined in the adopted Local Plan. It adjoins the built-up areas of Adbert Drive and Fairhurst Drive to the west and Whitebeam Drive to the east. The area to the north towards Pleasant Valley Lane is coppice woodland and permission was granted in December 2014 for change of use to open space (13/1999).

- 1.5 The application site has a frontage to Heath Road (B2163) of approx. 130m and an area of 2.15 ha. The main village centre is situated within walking distance approx. 600m to the east. The site is generally flat with no major topographical features but slopes gently northwards from Heath Road to Pleasant Valley Road.
- 1.6 There is an extant permission for a petrol filling station and car showroom on the front part of the site which was granted in 1972. A Lawful Development Certificate was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.
- 1.7 To the north of the site, the area is characterised by sweet chestnut woodland. The site itself is regenerating with heathland plants such as broom with sweet chestnut and silver birch trees on the previously more open areas. In the centre of the site is an open grassed area beyond a bund feature. The established woodland adjacent to the site is not being actively managed as coppiced woodland.
- 1.8 From much of the site the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible forming a clearly defined western edge to the village. The majority of this boundary is defined by close-boarded fencing and the houses are on slightly higher land than much of the site. There is evidence along the eastern boundary of the dumping of household garden waste in some cases. Approximately halfway into the site to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible which were built on the site of a former scrap metal yard.
- 1.9 Beyond the woodland to the north of the application site in its north east corner, is an existing playing field accessed from Lynden Road which is enclosed by palisade fencing. The area is crossed by a network of informal footpaths running north-south and east-west through the woodland. A public right of way (KM46) runs along the western boundary of the site from Heath Road towards Pleasant Valley Lane which is also a PROW (KM44), part of which is surfaced and serves a number of dwellings and grazing land.

2.0 PROPOSAL

- 2.1 The application was submitted in outline with all matters reserved for subsequent approval except means of access. An illustrative layout was submitted showing 55 dwellings served by a proposed new access from Heath Road at the mid-point of the site frontage. Two alternative means of access were initially proposed in the form of a roundabout and a conventional T-junction. The application has subsequently been amended to reserve all matters including access for subsequent approval. The application was accompanied by a detailed Transport Assessment prepared by the applicants consulting engineers.

3.0 PLANNING CONSTRAINTS

The site lies outside the built-up extent of Coxheath as defined in the adopted Local Plan (2000) and is within the countryside (policy ENV28). It is also within the Southern anti-coalescence belt (policy ENV32).

The site is within Flood Risk Zone 1

Public Rights of way – KM46 - runs along the site's western boundary northwards from the Heath Road towards Pleasant Valley Lane which is also a PROW (KM44).

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Coxheath. The relevant policies are:
ENV28 – resists development which harms the character and appearance of the countryside
ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.
T13 – Seeks to ensure appropriate parking provision.

Affordable Housing DPD 2006: Policy AH1
Open Space DPD 2006: Policy OS1

Draft Maidstone Borough Local Plan - 2014 & 2015 Reg. 18 Consultation
Draft policies SS1, SP4, DM2, DM4, and DM11, DM12, DM13, DM30, H1(75).

Draft Coxheath Neighbourhood Plan (submitted 2014): Policy H4 – identifies ‘Older’s Field’ as a potential housing site of approx 4.5 acres of land (approx 55 dwellings) for market housing for sale & rent plus approx 10.5 acres of land for public open space and allotments

5.0 LOCAL REPRESENTATIONS

There have been 18 objections to the application for the following main reasons:

1. Encroachment of village into open countryside.
2. Loss of trees and woodland habitat
3. Additional traffic congestion on overloaded road system
4. Overloaded local services
5. Loss of amenity – overlooking, loss of privacy, overshadowing.
6. Loss of play area, walks etc.
7. More suitable sites available elsewhere.

6.0 CONSULTATIONS

- 6.1 Coxheath Parish Council: (previous comments dated 4/3/14, 12/3/14 and 11/4/14 – set out in previous committee report dated 19/12/14 (Appendix 1).

Further comments dated 23/12/15:

“There are a number of points which the Parish Council wishes to make. Firstly, and perhaps most importantly, we are concerned at Maidstone Borough Council’s stance over the inclusion of 40% affordable housing. Whilst we have no problem in principle with the need for affordable housing, we are unhappy at the prospect of accepting 40% when there are logical arguments for reducing the percentage to 35% or better still 25%. Coxheath has already had to endure unacceptably high levels of development over and above those anticipated in the Coxheath Neighbourhood Plan and each of the planning approvals to date has incorporated high levels of affordable housing to the detriment of community benefits. If we read the paperwork correctly, then this would add to ‘the tale of woe’.

Secondly, we are very grateful for the fact that the applicant is still proposing to gift land (under planning approval MA/13/1999), as already negotiated, and to lease land to the Parish Council to the west and north of this site for a period of 25 years. Clearly, the Parish Council would wish to see a legal mechanism to enshrine these points. presumably tied to the planning permission. You may wish to note that it is our intention

to manage the gifted land as part of a wildlife corridor linking with ancient woodland to the south, as an integral part of our Neighbourhood Plan.

Thirdly, and linked to both the above issues, it is unclear what effect the inclusion of 40% affordable housing will have on other Section 106 contributions. In previous discussions and negotiations the Parish Council was under the impression that financial contributions would be made towards open green space management, health facilities, local education and transport improvements. There is now no mention of these and if we are facing a situation where they are lost because of Maidstone Borough Council's insistence upon 40% affordable housing, then we would not be very happy. Perhaps someone could clarify this situation for us.

Fourthly, and perhaps for discussion at a later date, we fail to understand why Maidstone Borough Council appears not to be in favour of a small roundabout at the entrance to the site. This would be helpful on a number of counts and we would not wish to rule it out when the detailed application is brought forward.”

6.2 KCC Highways – No objection subject to the following conditions:

1. The access to the site be provided in accordance with the submitted drawing number 615478_(SK02 Rev B) with modifications where required to incorporate the safety audit comments.
2. The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
3. A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access. (additional improvements may be required to the public footpaths subject to consultation with our Public Rights of Way team).
4. Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

All the above named highway works are required under a Section 278 Agreement and the design should encompass any necessary modifications required resulting from the implementation of the KCC highway improvements scheme along Heath Road in Coxheath which is due to be implemented during 2014.

5. Parking provision within the site to be in accordance with IGN3 for village locations.
6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
7. 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.

INFORMATIVE: It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and

common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6.3 KCC - Infrastructure contributions

Review of original comments dated 25/8/15 –

“Following the review, the KCC requirements for this development are now:

- **Primary Education** @ £2360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation - towards the enhancement of Coxheath Primary School.
- **Secondary education** @ £2359.80 per applicable house and £589.95 per applicable flat - towards the Cornwallis second phase of expansion
- **Library bookstock:** there is an assessed shortfall in provision: bookstock for Coxheath Library at 831 per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. Additional Library bookstock is required to meet the additional demands of this development costed at £2640.87 (see attached) - project: additional bookstock to mitigate the impact of the new borrowers from this development supplied to Coxheath Library
- **Youth equipment** £466.69 - required for the new residents of this development supplied to Youth Workers and organisations covering Coxheath
- **Community learning** £1688.32 – project: St Faiths Adult Education Centre
- **Social Care** £3495.80 – project: Changing Places Facility in central Maidstone.

As set out in the original request letter, KCC would request: a Condition be included for the provision of Superfast Fibre Optic Broadband, namely:

“Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi-point destinations i.e. fibre direct to premises.”

6.4 KCC Ecology –

No objection subject to conditions to secure ecological enhancement and to mitigate the impact of the proposals on biodiversity.

‘The *Extended Phase 1 Habitat & Protected Species Assessment* and the *Protected Species and Mitigation Report* have been submitted in support of this application. We are satisfied that the surveys have been undertaken to an adequate standard. The proposed development has potential to impact on a range of protected species which will need to be adequately mitigated to ensure that Maidstone BC has had adequate regard to the potential harm in taking the decision and that the potential for offences against protected species has been minimised.

The bat surveys did not identify any potential roosts on the site and the level of foraging and commuting bats indicate that the site habitats are of low quality for bats. Two mature trees with potential for roosting bats are outside of the red-line boundary for this application and even though no bats were recorded roosting within these trees, we advise that these should be retained for their potential value.

The areas of the site with the most bat activity were along the road to the south of the site adjacent to the ancient woodland and along the edge of the chestnut coppice to the north of the site. We query whether the proposed creation of the new roundabout will lead to increased levels of lighting along the road adjacent to the ancient woodland and if so advise that further information is sought as to what the likely impact of this will be on bat use of the woodland edge for roosting, foraging and commuting. While we acknowledge that recommendations for bat sensitive lighting have been provided within the ecological report, Maidstone BC needs to understand that these measures are feasible and can be implemented effectively to minimise impacts where they have been identified.

Slow worms and viviparous lizards have been confirmed as being present on the site and broad mitigation proposals are provided. It is proposed to relocate reptiles from the proposed development site to a receptor site on land within the applicants control to the north of the site.

The survey report states that reptiles were recorded "*throughout the survey area*". We advise that confirmation is sought regarding the extent (i.e. hectares) of habitat loss and that proposed for creation to ensure that there is sufficient habitat retained to compensate for that loss, in terms of area and/or quality of habitat.

This area of the site was assessed as being well used by walkers with potential for disturbance and we advise that confirmation is sought to ascertain how the use of this part of the site for recreational activities will be managed to ensure that the welfare of the translocated animals can be ensured and that an adequate amount of good quality habitat will be available for reptiles.

As the proposed area for the reptile receptor site is outside of the red-line boundary for the application it will not be possible to secure the use of this area by planning condition. A planning obligation will be necessary to ensure that the receptor site is retained and managed appropriately for reptiles.

Once satisfied on the appropriateness of the proposed receptor site, we advise that the broad mitigation proposals are acceptable. Maidstone BC will need to be satisfied that the receptor site can be secured from future potential development and the submission for approval and implementation of a detailed mitigation strategy will need to be secured by planning condition, if permission is granted.

An active badger sett was identified on the site and mitigation will be required to ensure that no badgers are harmed. A licence will also be required to allow the sett to be closed. Little information is provided regarding the use of the site by foraging badgers and no other setts have been identified nearby. We advise that further information is sought to provide more context to the use of the on-site sett. There is also potential for additional setts to be created on the site and monitoring for this should be ongoing.

Notwithstanding our advice that some additional information is sought, should planning permission be granted we advise that planning conditions will be necessary to secure detailed ecological mitigation strategies, sensitive lighting, ecological enhancement

measures and ensure that Maidstone BC has had adequate regard to the potential ecological impacts.'

Further information has submitted by the applicant in response to the above comments and the following additional advice has been received from KCC Ecology:

Comments in response to additional information dated 31/3/15 -

The Letter states that Heath Road is "already heavily illuminated by multiple high street lights". This is not our evaluation of the road alongside the proposed site frontage; the street lighting begins with the Coxheath 30mph zone, approximately half way along the southern boundary of the site.

While we are not lighting engineers we consider it likely that, as suggested in the Letter, a modern road lighting column will have less of an impact than an older style one, though we have no evidence with which we can agree that old-design street lights are "much higher than current highways standards". We also have no information regarding how many additional lighting columns will be required for the proposed new roundabout, extension of the 30mph zone and entrance to the site; due to this uncertainty we are not able to agree with the conclusion that "the proposals should not bring any significant increase to the local lighting levels".

We consider there to be some potential for increased lighting as a result of the proposed development to result in impacts to bats. If Maidstone BC is minded to grant planning permission, we advise that there will be a need to consider the potential impact of increased lighting levels alongside the mitigation hierarchy: the need for lighting appears adequately demonstrated for highway safety reasons so cannot be avoided in this part of the site; minimising the impacts is demonstrated in the Letter through the use of modern design lighting columns; compensation can be sought in the creation and enhancement of dark corridors and foraging habitat within and around the development site itself.

These details could be secured by condition, if planning permission is granted. Further information regarding the reptile receptor site has been provided, including the stated intention to lease the land to Coxheath Parish Council as public open space; the Letter concludes that the management of this area for public access and wildlife will "ensure the long-term viability of the reptile population is protected". We are able to accept this in principle but advise that Maidstone BC will need to secure an appropriate habitat management plan for this area, in addition to a detailed mitigation strategy for reptiles. Given that this area is outside of the red-line boundary Maidstone BC will need to consider how best to ensure that the habitat management plan is secured, including a demonstration of adequate funding to enable Coxheath Parish Council to implement the management for the creation and maintenance of reptile habitat.

As previously advised, planning conditions and/or obligations will be necessary to secure the receptor site, detailed ecological mitigation strategies, sensitive lighting and on-site ecological enhancement measures.

The following conditions are recommended to safeguard biodiversity:

1. Before development commences, a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall include details of the creation, maintenance and management of the reptile receptor site on land to the north of the application site. The Habitat Management Plan shall also include details of the legal and funding

mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity

2. Before development commences, an Ecological Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The Protected Species and Mitigation Report, Habitat Survey and Protected Species Assessment and shall include:

1. details of the reptile receptor site;
2. method statements that ensure ecological impacts will be avoided, mitigated and/or compensated for;
3. details of the on-site ecological enhancement measures

The Ecological Mitigation Strategy shall be implemented in accordance with the approved details.”

Reason: In the interests of biodiversity

The alternative to a condition would be for the management plan to be attached to the S106 that provides funding for the long-term management though I would expect the habitat creation to be carried out by the ecological consultants that do the mitigation”.

6.5 MBC Housing: No objections.

The Housing Officer initially raised objections on the basis that no provision was made for any affordable housing contrary to the Council’s adopted policy AH1. However the applicant has subsequently agreed to provide 40% affordable housing in full compliance with Policy AH1 of the DPD.

“This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. I understand that the landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site.

“There needs in my view to be further discussion and agreement on an appropriate private and affordable mix to base the appraisal on, with consideration given to how changes of unit types/sizes can improve things from a financial and viability perspective, if it helps to increase affordable provision. For information, the affordable mix adopted for this appraisal is acceptable, but Housing are happy to be flexible on considering an alternative mix if it helps with viability.”

Further comments dated 23-12-15:

“I can confirm that we have no objections to the amended application if they are providing 40% affordable housing in compliance with Policy AH1.

The viability study has used the following unit sizes and tenure:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	13	8	5
2 Bedroom	6	4	2

Planning Committee Report

3 Bedroom	1	1	0
4 Bedroom	2	1	1
Total	22	14	8

The 33 private units are made up of 26, 3 bed units and 7, 4 bed units.

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 (20%), 2-Beds (50%), 3-Beds (30%)

This would equate to the following mix for 40% affordable provision:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	7	5	2
2 Bedroom	8	4	4
3 Bedroom	6	3	3
4 Bedroom	1	1	0
Total	22	13	9

Therefore we would ideally be looking at increasing the 3 bed affordable provision and decreasing the 1 bed affordable provision, compared to what was stated in the viability assessment of February 2015. However, as this is an outline application and no full details have yet been submitted, we are unsure of how the units will be located on a site plan at this stage and are also unsure if the numbers for the whole site used in the viability assessment will be the same as when the developer submits fuller details. It should be noted that in the viability appraisal there was a 4 bed shared ownership unit. We would not be looking any of this size unit for shared ownership provision as there is no proven local need for this.

In terms of unit sizes, we would be looking for a range of 2-bed 3 and 4 person dwellings, as well as 3-bed 5 and 6 person dwellings, with preference for the 4 and 6 person dwellings to help maximise occupancy, in accordance with need.”

6.6 **UK Power Networks:** No objections

6.7 **Environment Agency:**

The EA Initially objected to the application on the grounds that flood risk had not been satisfactorily addressed. The EA advised that to overcome the objection an FRA must be submitted that addresses the deficiencies and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

A revised FRA was submitted in July 2015 in accordance with the previous planning committee resolution in December 2014. The EA advised on 27/7/15:

“We have no objection to the proposed scheme subject to the following condition being applied to the planning permission.

Condition: No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water runoff generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and should not increase the risk of flooding both on or off the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.”

Further comments dated 29/12/15:

“Thank you for consulting us on the above revised FRA. We note the site lies in flood zone 1. We recommend you consult Kent County Council on the discharge of the drainage conditions as they are the Lead Local Flood Authority.

Bylaw Margin

If surface water is discharged to the River Medway, and a discharge outfall is proposed to be installed, the applicant should be made aware that under the terms of the Water Resources Act 1991 and associated bylaws, the prior written consent of the Agency is required for any works in, over, under or adjacent to “main river”. This is termed **Flood Defence Consent**. The bylaw margin for non-tidal “main river” is eight metres from the top of the bank or landward toe of flood defence embankment or wall.

Details of the application procedure and requirements for any proposed works within eight metres from the top of river bank can be obtained from:

PSO.WestKent@environment-agency.gov.uk

Additional information and informatives

Fuel, Oil and Chemical Storage

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance “PPG1 – General guide to prevention of pollution”.

Waste

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

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

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

6.8 NHS Property Services:

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

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a 0.5 mile radius of the development at Heath Road, Coxheath. 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.

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

Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:
55 units x 2.34 person per unit = 128.7 assumed occupancy 128.7 @ £360 per person = £46,332

NHS Property Services Ltd therefore seeks a contribution of £46,332.!

6.9 KCC PROW Officer:

‘The proposed development site is bordered to the west by Public Right of Way KM46 and to the north by Public Right of Way KM44. The location of these footpaths is indicated on the attached map extract. The existence of the right of way is a material consideration.

As a general comment, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are highlighted within the local districts policy frameworks. The team is committed to working with the Borough Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Firstly I note that this development has a direct effect on Public Right of Way KM46. As the land adjacent to the path is due to be developed, the character and usage of the path will change from a rural to an urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface here with a minimum width of 2.5 metres to make this path fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the path such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban furniture may be necessary to prevent illegal vehicular use. The exact surface specification and furniture plan will need to be agreed with the PROW and Access service by the applicant.

Consideration should also be given at this point to upgrading the route of KM46 to a shared footway/cycle route. If the path was to become a cycle route then any surface specification, widths and legal status for this would need to be agreed with the Kent Highways Officer.

Secondly the potential for increased pedestrian usage of KM44 needs to be considered also as a major access route to the development. Currently this footpath runs along an access road with residents presumably having private vehicular access rights along here. Consideration should be given to increasing safety to pedestrians and cyclists using this route. This would include repairing potholes and perhaps delineating vehicles from walkers. Again consideration for improving cycle access along here would also be appropriate in discussion with the Kent Highways Officer.

Funding for these proposed surface and furniture improvements and any status upgrade for PROWs KM46 and KM44 should be agreed through Section 106 agreements.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- NPF 35, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.'

- 6.10 **Southern Gas Networks:** Have provided a plan showing a low-medium pressure gas-main connecting Adbert Drive running north from Heath Road along the west side

of the coppice woodland to the west of the current site.

6.11 **Natural England:**

The development will not impact on any statutory Nature Conservation Sites and have advised that in terms of protected species reference should be made to their standing advice.

MBC Landscape Officer (30/11/15):

“The part of the site where dwellings are proposed in this application is predominantly natural regeneration, succeeding to woodland. An area in the southwest corner has been cleared in the past and is dominated by bramble, with no trees of any significance present. I have visited the site and carried out a walkover survey, looking at the larger trees present where I could access them.

My general impression is that although visually this presents as woodland from Heath Road, it does not contain trees of particularly good individual quality. The age structure of the ‘woodland’ is semi-mature trees including Oak, Ash, Mountain Ash, Goat Willow, Silver Birch, Sweet Chestnut, Holly, Apple, Cherry, Hazel and Field Maple with an understorey consisting of young volunteers of these species, and bramble.

No evidence of any woodland management was noted. There is much evidence of previous activity with dumping of soil, rubble and other flytipping having historically taken place, including evidence of garden waste having being tipped quite recently, with some alien species having escaped into the woodland as a result. It is clearly used for recreation, with many informal paths through it in addition to the public footpath on the western edge.

I do not consider that the woodland is likely to have any historical value, it is clearly not of any forestry/timber value and has few trees of any individual merit. Unsurprisingly, it has not been identified as Ancient Woodland in the current inventory. As a group, the trees’ contribution to visual amenity is increased, simply due to their visual presence as a semi natural block adjacent to an area of housing, acting as a screen and foil to built form. The woodland may provide a contribution to local biodiversity and may have some ecological interest, but I defer to the views of the Council’s ecologist on these issues.

We have received requests to consider the woodland for protection by a Tree Preservation Order. At this time, it is not considered expedient to assess the woodland for protection. As the subject of a current application, with no evidence of pre-emptive felling having taken place, the threat of this taking place is considered low. The assessment for potential TPO protection may be reconsidered following decision on the planning application, but for the reasons set out above, I consider it unlikely that it will be of sufficient quality to merit protection, particularly as surrounding tree cover is high, with better quality woodland present to the north and south, including Ancient Woodland to the southwest.”

MBC Parks and Leisure (open space):

“Having looked at the amount of open space being provided for the Parish Council as part of the development and the apparent agreement from the Parish to take on this open space then I would be inclined to say that what is provided is sufficient and as such no extra off-site financial contributions would be required.”

7.0 BACKGROUND PAPERS AND PLANS

7.1 An indicative layout has been submitted (1208/2) showing 55 houses and an area of open space to the north between Fairhurst Drive and Whitebeam Drive.

7.2 The application includes the following documents:
Transport Statement,
Flood Risk Assessment,
Protected Species and Mitigation Report,
Habitat Survey and protected Species Assessment,
Preliminary Arboricultural Report,
Draft S106 Agreement.

7.3 The agent has provided the following supporting information:

“You will recall that this application was reported to Planning Committee at its meeting on 18th December last but was deferred to:

- (1) Seek additional details of surface water drainage (to address Environment Agency comments);
- (2) Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and
- (3) Seek further ecological surveys of the site.

With regard to items (1) and (3), the Environment Agency has raised no objection in principle following submission of a revised FRA recommending the use of deep bore soakaway drainage and the KCC Ecologist has raised no objection following clarification of a number of points.

The use of deep bore soakaways has a significant effect on site development costs and this, coupled with the revised contributions request recently received from KCC means that viability is no longer an issue for my client.

Accordingly, I confirm that my client is willing to proceed on the basis of the provision of 40% affordable housing and the payment of financial contributions sought by KCC and others.

Furthermore the site has recently been identified as an additional housing allocation for inclusion within the forthcoming Regulation 18 consultation. In the light of this, and the fact that the matters raised by the Committee when it previously considered this application have been resolved satisfactorily, I shall be grateful if this application can be reported to the next available meeting of the Planning Committee.”

8.0 APPRAISAL

Principle of Development

8.1 The site has an extensive planning history since the early 1970s as summarised above. There have been a number of applications for residential development on the site since the 1970s all of which have been refused.

8.2 There is an extant permission on the site for a petrol filling station which dates from 1972 (MK/3/71/385). The applicant has cited this as a fallback position for consideration in the determination of the current application, although over 40 years

since the permission was granted it is claimed that this form of development would now be inappropriate in this location. Evidence of the work undertaken at the time to commence the development resulted in the grant of a certificate of lawfulness in 1999 (99/0771). The limited extent of the works which have been carried out is now concealed by the extensive natural regeneration which has taken place on the site. Furthermore, given the passage of time where no attempt has been made to implement the extant permission, it is questioned whether significant weight can be given to the fall-back position as a material consideration.

- 8.3 It is considered that the probability of the fall back development in this case being resumed is highly unlikely and that as a consequence only limited weight should be given to the 1971 permission. Nevertheless it has previously been accepted that there is an extant permission for commercial development on the site resulting in the grant of a certificate of lawfulness which remains a material consideration in an assessment of the development potential of the site.
- 8.4 The suitability of the site for housing was considered at the Local Plan Inquiry in 1998 when the Inspector concluded that housing would materially harm the character and appearance of the area. Although the site is not covered by any landscape designation he considered that housing would be an urban intrusion into the rural setting of the village. He also concluded that the shortage of housing land did not justify release of the land at that time. The previous Local Plan Inspector concluded that the harm resulting from the proposed development of the site was of sufficient weight not to allocate the site for housing.
- 8.5 Since the previous Local Plan inquiry in 1998 circumstances have materially changed following the introduction of the NPPF and in particular the need to meet in full an Objectively Assessed Housing Need (OAN) as well as emphasis on a deliverable 5year supply of housing land. In 2014 the Council had only a 2.2 year supply of housing land increasing to 3.3 years in April 2015. Although the evidence suggests that the housing land supply situation is improving there remains a shortfall which must be addressed.
- 8.6 In this context the advice in the NPPF (para. 49) carries significant weight :
- “Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites”*
- 8.7 Due to the current lack of a 5 year supply the existing Local Plan which was adopted in 2000 may therefore be considered to be out of date and this has provided a significant impetus to the need to prepare a new Draft Local Plan that is NPPF compliant with a view to being adopted in 2017. The identification of additional sites for new housing to provide a 5 year supply and meet the OAN has therefore been one of the main objectives in the preparation of the Draft Local Plan.
- 8.8 When the current application was previously considered by the planning committee on 18/12/14 the principle of residential development was generally considered to be acceptable and it was resolved to defer consideration for the 3 main reasons outlined above. The site had not previously been identified as a possible housing allocation in the Draft Local Plan and in the light of the committee resolution it was decided to review its status, culminating in a report to SPST Committee on 18/8/15.
- 8.9 The Committee considered a number of potential housing sites, (including Olders Field), in the context of a challenging objectively assessed housing need and resolved that the draft policy for Land North of Heath Road (Older’s Field), Coxheath should be

approved for Regulation 18 public consultation. Draft policy H1(75) identifies the site as having a capacity of 55 dwellings with 2.34ha strategic open space.

- 8.10 The site lies outside the built-up extent of Coxheath village as defined in the adopted Local Plan and the proposal is contrary to policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However the site is considered to be in a sustainable location, immediately adjoining the western extent of the built-up extent of Coxheath with good access to the local shops and services in the village centre.
- 8.11 The visual impact of the proposed development of the site was considered at the Local Plan examination in 1998. However, circumstances have materially changed in that the current shortfall in the required five-year housing supply has significant weight and the housing policies in the adopted Local Plan are therefore out of date.
- 8.12 When the matter was considered at SPST Committee in August 2015 the report set out the reasons for the recommendation. Policy H1(75) in the Regulation 18 Consultation Draft – Land North of Heath Road (Olders Field) Coxheath - was approved for public consultation. A copy of the draft policy is attached (Appendix 2). The Policy sets out the criteria for development, including design and layout, landscape/ecology, flood risk and drainage, community facilities, open space and highways.
- 8.13 However it should be emphasised that the Draft Policy is only at Regulation 18 stage in the Local Plan process and has not yet been subject to examination. It should therefore be given only limited weight in the determination of this application.
- 8.14 The application site has also been identified in the emerging Coxheath Neighbourhood Plan as a proposed housing allocation. However, as with the Draft Local Plan, the Neighbourhood Plan has not been subject to public examination and can therefore only be given limited weight.

Visual Impact

- 8.15 From much of the application site, the nearby residential development at Whitebeam Drive/Lynden Road to the west and Wakehurst Close to the east is visible. The western extent of the village is defined by the boundaries of the rear gardens in Whitebeam Drive which is on slightly higher land than much of the application site. At the rear of the site, to the west, the isolated residential enclave at Adbert Drive/Fairhurst Drive is visible. These houses were built on the site of a former scrap metal yard where the main justification in granting permission was to remove an unsightly but lawful commercial use in the countryside.
- 8.16 It is acknowledged that a proposed development of this scale will have some visual impact on the surrounding area particularly when viewed from Heath Road. The extension of the village on its western side and development of this currently open land will extend the built-up area into the surrounding open area. The open land to the north of the site will continue to make a contribution to preventing coalescence between Dean Street and Coxheath. Any form of road junction and access into the site from Heath Road will open up the site frontage. Access is a reserved matter but illustrative details have been submitted showing a T-junction centrally located on the frontage to Heath Road.
- 8.17 Balanced against the visual impact of the proposed development on the character and appearance of the area, the main justification for the proposed development is the continuing need to provide additional land for housing to meet the shortfall in the 5 year supply of housing land. In addition, the proposed density is relatively low – up to 55

dwellings on 2.25ha. (24 dwellings per hectare) with approx. 2.24ha. of open space, although the applicant owns approx. 7 ha, of land between Heath Road and Pleasant Valley Lane. The scale and density of the proposed development is considered to be an appropriate for a location on the edge of the village and reflects the density of the existing development on either side. The area of woodland to the west and the open land to the north of the site will be maintained as open space to provide a buffer including a receptor site for reptiles between the proposed development and the surrounding area.

- 8.18 Permission has been granted on land to the north of the application site and south of Pleasant Valley Lane for change of use to public open space (13/1999). This will assist in retaining a buffer between Fairhurst Drive and the western built-up confines of the village. Extensive landscaping will be required between the proposed dwellings and the frontage to Heath Road. It will therefore be essential to seek a comprehensive landscaping scheme on the site to assimilate the development into the surrounding landscape and safeguard the character and appearance of the area, particularly along the southern boundary to Heath Road and along the eastern boundary to Wakehurst Close.
- 8.19 It is acknowledged that when the application was previously reported to committee there were concerns relating to expansion beyond the defined settlement boundary, consolidation of the gap between the settlements of Coxheath and Dean Street and the impact on the visual amenities of the area. However, having reviewed the relevant considerations, it is now considered that the benefits of the proposed development and in particular the need to provide additional housing in sustainable locations outweigh any planning harm which may result.

Impact on Residential Amenity

- 8.20 The proposed development is unlikely to have a significant impact on the amenities of adjoining occupiers in Whitebeam Drive to the east and Fairhurst Drive to the west of the site. There is an isolated detached dwelling to the west with a frontage to Heath Road, which is separated from the site by orchard land. Landscaping is a reserved matter and appropriate levels of privacy could be secured by condition through details to be submitted at a later stage. Similarly, appropriate levels of amenity within the site would also be secured through details submitted at reserved matters stage. No objections are therefore raised to the development on the grounds of impact on residential amenity subject to satisfactory details of siting, design and landscaping.

Highways

- 8.21 KCC Highways raise no objections to the proposed development. The application was supported by a transport assessment, which was taken into account in reaching this conclusion. 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.
- 8.22 As with other development sites in Coxheath, the highway authority has requested a contributions towards funding improvements to Linton Crossroads (junction of the B2163 and A229). This is on the basis that further development in Coxheath will result in the junction being at over-capacity to the extent that mitigation works will be required. A contribution of £1500/dwelling is therefore requested.

- 8.23 Access is reserved for subsequent approval but an indicative layout has been submitted showing a proposed T-junction to serve the new development from Heath Road. The Highway Authority has confirmed that there are no highway objections to a proposed access at this location.

Landscaping and ecology

- 8.24 The vegetation on the site has undergone significant regeneration over the past 30-40 years and has been re-colonised by a number of heathland plants and trees including broom, sweet chestnut and silver birch. Clearance of some existing vegetation would impact on the openness of the surrounding area and also result in reduced connectivity with the woodland areas further west and to the south of Heath Road, some of which is designated as ancient woodland in the 2012 inventory and as a Local Wildlife Site. However the existing tree cover is not considered to be of sufficient quality to justify protection by TPOs or designated ancient woodland.
- 8.25 It is estimated that the proposals would result in the loss of approx.1.2ha. of reptile habitat with 0.65ha retained immediately to the north of the application site and enhanced to provide a reptile receptor site on land within the applicants ownership and control. The applicants indicate that this area would be fenced off and information boards erected to explain its sensitivity.
- 8.26 KCC Ecology initially advised that insufficient information had been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been regularly accessed by members of the public over a number of years. The proposed receptor site on land to the north of the application site is proposed to be managed by the Parish Council in such a way as to enhance its ecological value.
- 8.27 The potential impact of additional lighting along Heath Road on the protection of bats and in particular in relation to the proposed road junction will be controlled by an appropriate condition.
- 8.28 With regard to the existing trees on the site the Landscape Officer has assessed their quality but considers that few trees are of individual merit. The trees have not been identified as Ancient Woodland in the current inventory. However as a group, it is acknowledged that the trees make a contribution to visual amenity due to their visual presence when viewed from Heath Road and as a semi-natural block adjacent to an area of housing, acting as a barrier and foil to the built form on the western side of the village.
- 8.29 The existing woodland has been considered for protection by a Tree Preservation Order but at present it is not considered expedient to assess the woodland for protection. As the subject of a current application, with no evidence of pre-emptive felling having taken place, the threat to the trees is considered to be low. However the assessment for potential TPO protection may be reconsidered following a decision on the planning application, but for the reasons set out above, it is concluded that the existing tree cover is not of sufficient quality to merit protection, particularly as the surrounding woodland is of higher quality, to the north and south of the site including Ancient Woodland to the southwest.

Flood Risk Assessment

- 8.30 A revised Flood Risk Assessment been submitted to which the Environment Agency have raised no objection and they are now satisfied that the development would not

result in increased flood risk. The revised FRA concludes that based on the soakaway tests, the infiltration rates in the upper 1m of the ground surface do not vary greatly across the site due to the consistency of the nature of the soil across the site. The other soils found in the area also have a high content of clays and silts which will also slow the infiltration rate. The permeability of the underlying sandstone is also evidently very low and it is expected that this is because any fissures or discontinuities are clay filled. A condition requiring implementation of a sustainable surface water drainage scheme is recommended. The EA has recommended that Kent County Council should be consulted on the discharge of the drainage conditions as Lead Local Flood Authority.

Affordable Housing

- 8.31 The Council's Housing section initially objected to the proposals on the grounds that no affordable housing was proposed. This was later revised to 15% affordable housing which did not comply with adopted policy AH1. Although a viability appraisal was prepared in support of a lower proportion of affordable housing the applicant subsequently agreed to increase the affordable housing provision to 40% which fully complies with development plan policy AH1. Similar levels of affordable housing have been secured on other sites in Coxheath in accordance with the adopted DPD policy.

9.0 INFRASTRUCTURE

- 9.1 A development of this scale will place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. Appropriate contributions to make the development acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Affordable Housing and Open Space DPDs.
- 9.2 Policy ID1 of the emerging Draft Local Plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.
- 9.3 Any request for contributions needs to be scrutinised in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements:
(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development
- 9.4 The applicant has agreed to provide 40% affordable housing in full compliance with adopted Policy AH1. In addition, contribution requests have been received from Kent County Council for primary education, community learning, youth, social services, libraries and also a highways contribution, NHS Property Services for expansion/improvements to the Stockett Lane and Orchard surgeries in Coxheath.
- 9.5 The KCC request for infrastructure contributions has been reviewed as follows:

- **Primary Education** @ £2360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation - towards the enhancement of Coxheath Primary School.
- **Secondary education** @ £2359.80 per applicable house and £589.95 per applicable flat - towards the Cornwallis second phase of expansion
- **Libraries:** there is an assessed shortfall in provision: bookstock for Coxheath Library at 831 per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. Additional Library bookstock is required to meet the additional demands of this development costed at £2640.87 (see attached) - project: additional bookstock to mitigate the impact of the new borrowers from this development supplied to Coxheath Library
- **Youth equipment** £466.69 - required for the new residents of this development supplied to Youth Workers and organisations covering Coxheath
- **Community learning** £1688.32 – project: St Faiths Adult Education Centre
- **Social Care** £3495.80 – project: Changing Places Facility in central Maidstone.

- 9.6 KCC Highways has requested a contribution of £1500/dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. This is considered to be justified due to the cumulative impact that development in Coxheath will have on the junction rendering it beyond designed capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across the development sites.
- 9.7 NHS Property Services have requested a contribution of £46,332 towards expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. The request meets the relevant tests and will mitigate the additional impact on service provision likely to be generated by the development.
- 9.8 With regard to open space the Parks and Leisure Officer has advised that having regard to the existing and proposed open space to the north and west of the application site (amounting to more than 4ha) and the Parish Council's intention to manage this open space then he considers what is provided is sufficient and as such no additional off-site financial contributions would be required. However, part of the land to the north of the site is to be safeguarded for ecological enhancements as a reptile receptor site and in the event of the recent permission for open space to the south of Pleasant Valley Lane (13/1999) not being implemented it is considered that there should be a safeguard written into the legal agreement for a financial contribution towards existing public open space for additional off-site open space provision.

10.0 CONCLUSION

- 10.1 Following consideration of the application at the planning committee on 18/12/14 when Members supported the principle of residential development on the site additional information has been submitted to address the reasons for deferral. The initial recommendation that permission should be refused has been reviewed in the context of the continued shortfall in the 5 year supply of housing land and the need to identify additional sustainable potential sites for housing.
- 10.2 The application site adjoins the presently defined extent of the built-up area in the adopted local plan and is within the countryside. In accordance with the National Planning Policy Framework (para.49) and the lack of a 5 year supply of housing land the housing control policies in the current Local Plan adopted in 2000 are regarded as being out of date. Significant weight has been given to the lack of a 5 year housing land supply and the release of this site for residential development will contribute towards meeting this target. On balance it is considered that this will outweigh any

harm to the character and appearance of the area through erosion of the gap between the settlements of Coxheath and Dean Street.

- 10.3 The site is considered to be in a sustainable location with good access to the village centre, local shops and facilities. A new vehicle access would be required from Heath Road to which the highway authority raises no objections. Improved pedestrian links from the site are proposed to be secured as part of the development.
- 10.3 The site has recently been identified as a potential housing allocation in the Draft Local Plan Regulation 18 Consultation 2015 which was agreed by Committee on 18/8/15 for public consultation. The site has also been identified as a potential housing allocation in the draft Coxheath Neighbourhood Plan.
- 10.4 The provision of 40% affordable housing within the scheme accords with adopted policy AH1 and such provision will assist in meeting identified housing needs in the locality. Other infrastructure contributions will be secured as part of the development including education, health care and highway improvements.

11.0 RECOMMENDATION –

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

- **Affordable housing** - 40% (22 affordable units)
- **Primary Education** @ £2360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the enhancement of Coxheath Primary School.
- **Secondary education** @ £2359.80 per applicable house and £589.95 per applicable flat towards the Cornwallis School second phase of expansion
- **Libraries:** £2640.87 towards additional bookstock to mitigate the impact of the new borrowers from this development supplied to Coxheath Library.
- **Youth equipment** £466.69 - required for the new residents of this development supplied to Youth Workers and organisations covering Coxheath
- **Community learning** £1688.32 towards St Faiths Adult Education Centre enhancements
- **Social Care** £3495.80 towards Changing Places Facility in central Maidstone
- **Highways** - £1500 per dwelling towards improvements to Linton Crossroads.
- **Health care** – a contribution of £46,332 directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Stockett Lane and Orchard surgeries.
- **Open space** – In the event of permission ref. 13/1999 not being implemented an off-site financial contribution of £1575 per dwelling towards additional off-site open space in the locality.

the Head of Planning and Development be delegated power to grant permission subject to the following conditions:

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

a. Access b. Appearance c. Landscaping d. Layout e. Scale

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. Before development commences an arboricultural implications assessment shall be carried out in accordance with BS5837: 2012, including tree protection details, and a landscape scheme using predominantly indigenous species in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No details have been submitted and in the interests of the visual amenities of the area

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, and the supporting documents relating to Transport Statement, revised Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment and Preliminary Arboricultural Report.

Reason: To ensure that the development conforms to the submitted plans

4. No occupation shall occur until the following highway works resulting from the implementation of the highway improvements scheme along Heath Road in Coxheath and shall include the following :

(1). The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.

(2). A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access.

(3). Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

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

Reason: in the interests of highway safety

Planning Committee Report

5. The existing Public Rights of Way adjoining the application site - KM46 and KM44 - shall be improved and upgraded subject to further consultation with the Public Rights of Way team, (KCC) prior to the first occupation of the dev hereby permitted.

Reason: in the interests of pedestrian safety

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

Reason: To ensure a satisfactory appearance to the development.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area

8. 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 buildings or land and maintained thereafter;

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

9. All planting, seeding or turfing approved pursuant to condition 1 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

10. No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development.

11. 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

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding

12. No dwellings shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPF and NPPG (Flood Risk) and the results of the assessment provided to the local planning and highway authorities.

Planning Committee Report

Where a sustainable drainage scheme is to be provided, 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 and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and 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 and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding.

13. Before development commences, a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall include details of the creation, maintenance and long term management of the reptile receptor site on land to the north of the application site. The Habitat Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The Management Plan shall be implemented in accordance with the approved details.

Reason : in the interests of biodiversity

14. Before development commences, an Ecological Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The ecological mitigation strategy shall be in accordance with the principles outlined in the Protected Species and Mitigation Report, Habitat Survey and Protected Species Assessment and, in addition to details of the reptile receptor site, referred to in condition 13 shall include:

1. method statements that ensure ecological impacts will be avoided, mitigated and/or compensated for;
2. details of the on-site ecological enhancement measures.

The Ecological Mitigation Strategy shall be implemented in accordance with the approved details.

Reason : in the interests of biodiversity

15. No external lighting shall be installed until details of a lighting scheme which is sensitive to biodiversity has been submitted to and approved by the LPA before development commences.

Reason in the interests of biodiversity

16. The details submitted pursuant to condition 1 should incorporate a set back of a minimum of 15m from the edge of the highway in Heath Road.

Reason: in the interests of visual amenity

INFORMATIVES

1. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
2. Southern Water has advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact:

Southern Water,
Sparrowgrove House,
Sparrowgrove ,
Otterbourne,
Hampshire S021 2SW

(Tel: 0330 3030119) or www.southernwater.co.uk".

3. **Bylaw Margin**

If surface water is discharged to the River Medway, and a discharge outfall is proposed to be installed, the applicant should be made aware that under the terms of the Water Resources Act 1991 and associated bylaws, the prior written consent of the Agency is required for any works in, over, under or adjacent to "main river". This is termed **Flood Defence Consent**. The bylaw margin for non-tidal "main river" is eight metres from the top of the bank or landward toe of flood defence embankment or wall.

Details of the application procedure and requirements for any proposed works within eight metres from the top of river bank can be obtained from PSO.WestKent@environment-agency.gov.uk

4. **Additional information and informatives**

Fuel, Oil and Chemical Storage

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution".

Waste

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

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

- vi. Duty of Care Regulations 1991
- vii. The Waste (England and Wales) Regulations 2011
- viii. Hazardous Waste (England and Wales) Regulations 2005
- ix. Pollution Prevention and Control Regulations (England and Wales) 2000
- x. Environmental Permitting (England and Wales) Regulations 2010”

Case Officer: Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

Planning Committee Report

Appendix 1 – Previous report to Planning Committee 18/12/14

REPORT SUMMARY

REFERENCE NO - 13/1979		
APPLICATION PROPOSAL Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.		
ADDRESS Land North Of Heath Road, Coxheath, Maidstone, Kent, ME17 4TB		
RECOMMENDATION: Permission Refused		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Contrary to relevant saved policies in adopted Local Plan (2000) and emerging Draft Maidstone Borough Local Plan (2014)		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Coxheath Parish Council		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson
DECISION DUE DATE 17/02/14	PUBLICITY EXPIRY DATE 17/02/14	OFFICER SITE VISIT DATE 3/6/2014 and 15/10/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
<p>13/1999 Land south of Pleasant Valley Lane, East Farleigh: Change of use to public open space – UNDETERMINED</p> <p>Previous planning history is as follows:</p> <p>Planning permission was granted in 1972 (MK/3/71/385) for a petrol filling station and showroom with caretaker's flat on a site fronting Heath Road. The development was commenced and an application for a lawful development certificate, demonstrating that the permission remained valid, was granted in 1999 (99/0771).</p> <p>96/0233 - Outline application for residential development with all details reserved for subsequent approval except means of access involving new access was refused on 2/5/1996.</p> <p>88/2135 - Discontinuance of scrap yard use and erection of small industrial/warehousing units was refused on 25/4/1989.</p> <p>79/1745 - Residential development with public playing fields and other community facilities was refused on 18/12/1979.</p> <p>75/1182 - Petrol filling station, showrooms and workshops, ancillary offices and managers flat was refused in April 1976.</p>		

MAIN REPORT

2.0 DESCRIPTION OF SITE

- 1.1 The site lies on the western side of Coxheath beyond the existing built-up extent of the settlement. It adjoins the built-up areas of Adbert Drive to the west and Whitebeam Drive to the east. The area to the north, beyond the coppice woodland is open countryside in agricultural use.
- 1.2 The site has a frontage to the B2163 Heath Road of 130m and an area of 2.15 ha. The village centre is situated approx. 600m to the east. It is generally flat with no major topographical features but slopes gently northwards from Heath Road.
- 1.3 There is an extant permission for a petrol filling station and car showroom on the front part of the site which was granted in 1972. A Lawful Development Certificate was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.
- 1.4 To the north of the site, the area is characterised by sweet chestnut woodland. The site itself is regenerating with heathland plants such as broom with sweet chestnut/silver birch trees on previously more open areas. In the centre of the site is an open grassed area beyond a bund feature. The established woodland adjacent to the site is not being actively managed as coppice woodland.
- 1.5 From much of the site the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. There is a clearly defined western edge to the village. The majority of this boundary is close-boarded fencing and the houses are on slightly higher land than much of the site. The boundary edge is used for dumping of household garden waste in some cases. Approximately halfway into the site to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 1.6 Beyond the woodland located to the north of the site in its north east corner, is an existing playing field marked out as football pitches accessed from Lynden Road which is fenced by steel palisade fencing. The whole area is criss-crossed by a network of informal footpaths running north-south and east-west through the woodland. PROW KM46 runs along the western side of the site from Heath Road towards Pleasant Valley Lane which is also a PROW (KM44) part of which is surfaced and serves a number of dwellings and also grazing land.

2.0 PROPOSAL

- 2.1 The application was submitted in outline with all matters except means of access reserved for subsequent approval. An illustrative layout has been submitted showing 55 dwellings with access from a proposed new roundabout in Heath Road.
- 2.2 The details of means of access show a new roundabout in Heath Road in the mid- point of the site frontage. The application is accompanied by a detailed Transport Assessment prepared by the applicants consulting engineers.
- 2.3 A second related application (ref. 13/1999) has been submitted for change of use to public open space on land in Pleasant Valley Lane, to the north of the proposed residential development site. This application is reported elsewhere on this agenda.

3.0 PLANNING CONSTRAINTS

The site is within the Southern anti-coalescence belt under MBWLP 2000 policy ENV32.

Rights of way – PROW KM46 runs along the site's western boundary northwards from the B2163 Heath Road towards Pleasant Valley Lane

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Coxheath. Relevant policies -
ENV28 – resists development which harms the character and appearance of the area
ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.
T13 – Seeks to ensure appropriate parking provision.
Affordable Housing DPD 2006: Policy AH1
Reg. 18 Consultation draft Maidstone Borough Local Plan 2014.
The site is not proposed to be allocated for development.
SS1, SP4, DM2, DM4, DM11, DM12, DM13, DM30

5.0 LOCAL REPRESENTATIONS

There have been 14 individual objections to the application for the following main reasons:

1. Encroachment of village into open countryside.
2. Loss of trees and woodland habitat
3. Additional traffic congestion on overloaded road system
4. Overloaded local services
5. Loss of amenity – overlooking, loss of privacy, overshadowing.
6. Loss of play area, walks etc.
7. More suitable sites available elsewhere.

6.0 CONSULTATIONS

6.1 Coxheath Parish Council: Initial comments dated 4 March 2014

“Coxheath Parish Council has considered this application in considerable detail but, as you know, we were anxious to see the amended draft Section 106 agreement, before committing our views to paper. The documentation that has been presented is now generally in accord with the Coxheath Neighbourhood Plan, which was lodged with Maidstone Borough Council on 27th January 2014, in accordance with national planning procedures. This application meets a number of aspirations of the community of Coxheath and to this end the Parish Council would make the following points:-

The application is in accordance with the Coxheath Neighbourhood Plan; This application has to be considered in conjunction with Application MA/13/1999, which provides additional public open space for the village of Coxheath on the same plot of land. We are desperately short of green public open space for a village with a population of almost 4,000 residents. The combination of these applications would,

therefore, help to redress that balance. In addition they would provide anti-coalescence protection in perpetuity.

The Section 106 agreement anticipates financial contributions towards the management of public open space, health facilities and education/library services, all of which we would support, providing the benefits accrue to Coxheath;

We have encountered no major points of contention in the Transport Statement;

The access to the proposed development envisages the construction of a roundabout at the junction with Heath Road, designed to current Kent County Council standards. This, together with a projected gateway facility, would provide an additional traffic calming feature at the western approach to the village, which the Parish Council feels is of paramount importance;

These benefits are regarded as sufficient to meet many of the objectives of the Coxheath Neighbourhood Plan. We would support the argument, therefore, that it would be unnecessary to incorporate any element of affordable social housing on this site on the basis that other important community benefits are achieved and that local needs affordable housing is planned elsewhere in the village.

All in all, the Parish Council is happy to support this outline planning application, subject to seeing and approving the detailed application in due course and providing that we have the opportunity to have some input into the Section 106 agreement before it is finalised.”

Further Parish Council comments dated 12 March 2014

“Further to our letters of 4th and 6th March 2014, we are writing to confirm our total and unreserved support for the above applications.

Coxheath Parish Council has been in negotiation with the landowner for two years or more, seeking an outcome that would bring forward this parcel of land for a development to include a substantial element of community benefit. The focus of the community benefit was to achieve additional public open space given that we are considerably below the standard set for a community of our size. Furthermore, the Parish Council and the community do not want the site to be developed for commercial use.

In summary, therefore, Coxheath Parish Council supports these applications for the following reasons:-

- Commercial development is not suitable for this site, neither is it required;
- Residential development, as proposed, will provide significant acreage for amenity use to be transferred freehold and leasehold to the Parish Council;
- The additional amenity land is strategically located adjacent to other amenity land already controlled by the Parish Council;
- Acquisition of the additional land will protect the anti-coalescence belt in this part of our parish;
- The development, as proposed, will enhance this area of our community;
- The proposed roundabout, which forms part of this development, is supported and has been encouraged by the Parish Council since it provides a significant improvement in the traffic management of Heath Road;
- The site development, as proposed, is included in the Coxheath Neighbourhood Plan and is supported by the community;

- The community benefit from the proposed development is judged to be hugely significant.

Our sustainability assessment for this site is contained in the document headed 'Coxheath Neighbourhood Plan – Sustainability Appraisal'. We have assessed this site against others that have been proposed and confirm that it has high sustainability.

Hence this parcel of land, put forward in accordance with the above planning applications, is totally supported by the Parish Council and is strategically important to Coxheath

Additional comments dated 11 April 2014:

“Our stance remains unchanged The Parish Council Wishes to stress its support for these applications and re-confirms the points made In our earlier correspondence We have noted the detail contained In the ecological, flood risk and transportation/access reports We continue to support the introduction of a roundabout at the access point to the proposed site off Heath Road We feel that providing the footways are extended to the end of the proposed new 30 mph speed restriction zone a crossing point is introduced to enable residents to cross Heath Road In the vicinity of the new development and that an enhanced Village gateway is constructed to warn motorists approaching Coxheath from the west then the Introduction of a roundabout is far preferable to a standard ‘T-Junction’ at the access point.

As far as the ecological study is concerned Coxheath Parish Council is also keen to ensure that a suitable habitat is provided for the small reptiles that have been Identified as living on the site The suggested policy of constructing bespoke hlbemacula and log piles within the area is acceptable to us providing this does not adversely affect public access to the area of open space to the north of the proposed settlement.

The most Important aspect of these applications from our point of view is that we achieve a substantial area of open green space/amenity land which will remain In public ownership In perpetuity thereby Increasing the community land that falls Into this category and protecting the anti-coalescence belt between Coxheath and East Farleigh.

We stress again that these applications are In accordance with the Coxheath Neighbourhood Plan, which is currently In the process of publication. Coxheath Parish Council recommends therefore that these applications should be approved.”

6.2 KCC Highways – No objection

‘A safety audit has been provided for both the proposed roundabout junction to serve the site and also an alternative priority junction access. Both arrangements are found to be satisfactory in principle. The current planning application proposes the roundabout access option which was requested by the parish council in order to reduce vehicle speeds on the approach to the village.

I confirm that I do not wish to raise objection to this application subject to the following conditions:

1. The access to the site be provided in accordance with the submitted drawing number 615478_SK02 Rev B with modifications where required to incorporate the safety audit comments.
2. The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
3. A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access. (additional improvements may be required to the public footpaths subject to consultation with our Public Rights of Way team).
4. Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

All the above named highway works are required under a Section 278 Agreement and the design should encompass any necessary modifications required resulting from the implementation of the KCC highway improvements scheme along Heath Road in Coxheath which is due to be implemented during 2014.

5. Parking provision within the site to be in accordance with IGN3 for village locations.
6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
7. 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.

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

6.3 **KCC Infrastructure contributions**

Comments dated 3 January 2014, the following requests have been made:

Primary education: A new build cost of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house. To be used for the provision of a new primary school in SE Maidstone
'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

6.4 **KCC Ecology** –

Have advised that there is insufficient information to assess the mitigation proposals as acceptable.

'The Extended Phase 1 Habitat & Protected Species Assessment and the Protected Species and Mitigation Report have been submitted in support of this application. We are satisfied that the surveys have been undertaken to an adequate standard. The proposed development has potential to impact on a range of protected species which will need to be adequately mitigated to ensure that Maidstone BC has had adequate regard to the potential harm in taking the decision and that the potential for offences against protected species has been minimised.

The bat surveys did not identify any potential roosts on the site and the level of foraging and commuting bats indicate that the site habitats are of low quality for bats. Two mature trees with potential for roosting bats are outside of the red-line boundary for this application and even though no bats were recorded roosting within these trees, we advise that these should be retained for their potential value.

The areas of the site with the most bat activity were along the road to the south of the site adjacent to the ancient woodland and along the edge of the chestnut coppice to the north of the site. We query whether the proposed creation of the new roundabout will lead to increased levels of lighting along the road adjacent to the ancient woodland and if so advise that further information is sought as to what the likely impact of this will be on bat use of the woodland edge for roosting, foraging and commuting. While we acknowledge that recommendations for bat sensitive lighting have been provided within the ecological report, Maidstone BC needs to understand that these measures are feasible and can be implemented effectively to minimise impacts where they have been identified.

Slow worms and viviparous lizards have been confirmed as being present on the site and broad mitigation proposals are provided. It is proposed to relocate reptiles from the proposed development site into the area to the north of the site.

The survey report does not provide a map of the location at which the reptiles were recorded but does state that they were recorded "*throughout the survey area*". We advise that confirmation is sought regarding the extent (i.e. hectares) of habitat loss and that proposed for creation to ensure that there is sufficient habitat retained to compensate for that lost, in terms of area and/or quality of habitat.

This area of the site was assessed as being well used by walkers with potential for disturbance and we advise that confirmation is sought to ascertain how the use of this part of the site for recreational activities will be managed to ensure that the welfare of the translocated animals can be ensured and that an adequate amount of good quality habitat will be available for reptiles.

As the proposed area for the reptile receptor site is outside of the red-line boundary for the application it will not be possible to secure the use of this area by planning condition. A planning obligation will be necessary to ensure that the receptor site is retained and managed appropriately for reptiles.

Once satisfied on the appropriateness of the proposed receptor site, we advise that the broad mitigation proposals are acceptable. Maidstone BC will need to be satisfied that the receptor site can be secured from future potential development and the submission for approval and implementation of a detailed mitigation strategy will need to be secured by planning condition, if permission is granted.

An active badger sett was identified on the site and mitigation will be required to ensure that no badgers are harmed. A licence will also be required to allow the sett to be closed. Little information is provided regarding the use of the site by foraging badgers and no other setts have been identified nearby. We advise that further information is sought to provide more context to the use of the on-site sett. There is also potential for additional setts to be created on the site and monitoring for this should be ongoing.

Notwithstanding our advice that some additional information is sought, should planning permission be granted we advise that planning conditions will be necessary to secure detailed ecological mitigation strategies, sensitive lighting, ecological enhancement measures and ensure that Maidstone BC has had adequate regard to the potential ecological impacts.'

Further information was submitted by the applicant in response to the above comments. The KCC Biodiversity team are still concerned that there is insufficient information to appropriately assess the impact of the development in the following areas.

- The appropriateness of the proposed reptile receptor site, particularly its level of use by the public and whether the proposals for controlling this use would be effective, but also its size in relation to the extent of habitat loss;
- The potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout.

6.5 **MBC Housing:** Object in relation to the proposed level of affordable housing as being contrary to adopted policy.

Comments dated 30 December 2013:

The outline application is for up to 55 residential dwellings but with no provision for affordable housing.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. I understand that the landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site.

With this in mind, it is noted at 3.6 of the applicants planning statement that a report produced following consultation with local residents highlighted some concerns, this included; *'Concern about additional social housing.'*

Furthermore, at 3.7 the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation /amenity purposes.'*

We would be like to see what evidence there is in respect of these two comments. For example, what were residents concerns regarding additional social housing and how many residents expressed such concerns?

Additionally, if the Parish Council are to make a case for social housing to be excluded from this site as is stated in the planning document, we would need further details of the reasons for this and it will need to be considered against the submission of a viability appraisal which demonstrates that it is only financially viable to deliver these services and facilities with no affordable housing on the site. Therefore, at present we

would be looking for 40% affordable housing to be included in this development as stated in our current policy.

As this application is for outline planning there appears at this stage to be no details of the size and types of the dwellings on the proposed site. We therefore welcome early engagement and consultation regarding the affordable mix and the spacing of these units, as this will affect any proposed master plan layouts. 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.

At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix. Over 50% of applicants on the Housing Register have a current one-bed need, but we obviously need to take into account future household growth and seek to provide a range of accommodation, which also caters for families.'

Comments dated 10 March 2014:

'An offer from the applicant to consider some private rented housing on the site would not change our original response as this is not affordable housing. We would still be looking for 40% affordable housing provision on this site (22 units). If the applicant is unable to meet this requirement they would need to submit a viability appraisal which demonstrates that this is the case.

Regarding current local housing need, our current housing register has 195 households who have expressed an interest in living in Coxheath, made up as follows:
1 bed need - 106 households
2 bed need - 48 households
3 bed need - 9 households
4+ bed need - 19 households
Bed need not stated - 13 households
Please note however that these figures are only indicative as information on applicants on the housing register is only verified when they are being considered for a property'

Comments dated 12 August 2014:

I believe this is an outline application for up to 55 residential dwellings and my colleague Tony Stewart has previously commented on this application.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. The landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site due to the aspirations of the landowner over the sites value.

Local residents have been suggested as raising a concern about additional social housing. Interesting to note also that the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation / amenity purposes.'*

I note that Property and Procurement have looked at the viability assessment report and commented that the build costs are too high and that Harrisons have been asked to justify the build costs by providing more information showing the data from BCIS. Harrisons have responded by saying that the build costs are taken from the BCIS Quarterly Review, which are based on tender price/m².

Firstly, I would question the use of BCIS data at all in terms of assessing build costs. It is interesting to note the following comments that were put forward during recent viability training that I attended by the Executive Director at the HCA for the East and South East Operating Area.

'Most major house builders will use a standard house-type; this brings efficiencies of scale and cost. As such, the accurate costs of construction are known to the house builder. House build costs for flats are normally higher per square foot than houses, and the higher the dwelling, the higher the costs. Where affordable housing is provided at a larger floor area than open market, then the cost per square foot should be lower for affordable. I have never known a house builder to use BCIS index for house build costs; the data is too unreliable and historic.'

In terms of build costs, a quantity surveyors full schedule of costs should be provided, ideally based upon a developers standard house types.

This also directly leads to the summary of the proposed scheme, on which the viability assessment has been appraised. I note that the following statement at '5.0 SUMMARY OF PROPOSED SCHEME.'

'The application in respect of which this report relates to is an outline planning application with detailed housing mix to form part the reserved matters. However for the purposes of assessing viability we have considered an appropriate private housing mix based on a memo from Maidstone Council Housing Department to the Planning Department confirming a minimum density of 30 dwellings per hectare, which we have adopted along with having consideration of demand within the area.

We have further adopted an affordable housing mix as follows:

1 beds – 35%

2-beds – 30%

3-beds – 25%

4-beds – 10%

The overall housing mix differs depending on the level of affordable housing within the scheme since the demand/needs differ between tenures. Further information on the assumed number of units adopted for each type can be found later within the report'.

In response to this, I am not aware that Housing have provided such a memo, and if so, I would like to see a copy of this memo that they are referring to. The actual number and mix of units proposed for the site is absolutely crucial as this determines the likely sales/revenue that can be generated from the site (the Gross Development Value) and also build costs. A slight change in unit types, sizes and numbers can obviously have a big impact on costs within the appraisal. It maybe that we would like this overall mix to be revisited.

The methodology (residual land value type approach) is accepted as being a widely used and common form of approach to viability assessments, but I am not keen on the use of the HCA's Development Appraisal Tool. Common opinion is that it is flawed.

Development Costs

Please see earlier comments regarding build costs. Professional fees at 9% seems rather high to me. Where the scheme is bespoke, these normally appear as circa 4-5%

of the sales value, where they are a standard product, the 1-2% is the maximum applies.

Site abnormalities - However defined, these should normally be deducted from the land value. It is not an add-on extra. I note reference to the drainage costs not known at this stage, so this will have implications on costs.

Developers profit – Accepted that 20% is a reasonable profit that a developer would expect to make.

Planning/ S106 obligations - I would expect affordable housing to be prioritised above all other contributions. So a waiver of certain other significant s106 contributions should enable a greater % of affordable to be gained.

Part of this proposal includes the gift of land for public open space for use by the Parish Council. Is there a requirement for this? There is also a public realm cost referred to in the S106 obligations of £200k, so it's either one or the other I would have thought.

A couple of key questions to ask for me also are:

- 1) What offers (if any) have been sought from RP's? This information should be fed into the appraisal.
- 2) Does a developer have an option on the site with an option agreement in place with the landowner? If so, it will normally be based on either an agreed fixed price, or discounted price from market value. Knowing this will be key to the residual land valuation and appraisal.
- 3) Does the Parish Council expect the affordable housing to be provided as local needs housing on this site as part of any Neighbourhood Plan they maybe working on? Housing would have some reservations regarding such a proposal as we would have to be careful that a need existed for such units, and that an appropriate mix was provided in order to meet that need and the strict occupancy criteria that comes with schemes of this nature.

Based on the evidence provided and the assumptions made in the calculations, I am not convinced that only 15% affordable housing can be provided and I would suggest that we request the VOA/District Valuer to undertake an assessment of the attached report, and that the applicants agree to meet their costs.

There needs in my view to be further discussion and agreement on an appropriate private and affordable mix to base the appraisal on, with consideration given to how changes of unit types/sizes can improve things from a financial and viability perspective, if it helps to increase affordable provision. For information, the affordable mix adopted for this appraisal is acceptable, but housing are happy to be flexible on considering an alternative mix if it helps with viability.'

6.6 **UK Power Networks:** No objections

6.7 **Environment Agency:** Object to the application on the grounds that flood risk has not been satisfactorily addressed.

'We note that the site is located within an area designated as Flood Zone 1 (low risk) and therefore the submitted FRA is required to assess other sources of flooding such as surface water, sewer and ground water flooding. Given the site area is >1ha, the FRA should also provide sufficient detail to demonstrate that an appropriate Sustainable Drainage System (SuDS) can be delivered within land under client control.

The FRA prepared by MLM Consulting Engineers Ltd. reviews all sources of flooding and concludes that based on available information the flood risk from all sources is low.

The most favourable discharge point for development run-off would be to infiltrate to ground, where practical considerations allow. At present there is no information relating to soakage potential across the site, and it is noted that an infiltration rate of $1 \times 10^{-6} \text{m/s}$ has been adopted within the WinDES calculations to represent the soakage potential of the underlying Hythe Formation. We would also note that there is a long history of ground collapses associated with soakaways in the Hythe Formations. A ground investigation should be undertaken to confirm soakage rates across the site which should also consider the potential for solution features on the site. The information obtained should then be used to inform/confirm the layout and ensure that sufficient space for SuDS is available within land under client control.

The preliminary calculations indicate that a volume of attenuation of 2200cu.m will be required, based on the assumed infiltration rate. The WinDES outputs show that half drain times would be in the order of 7 days and therefore it is not apparent whether the initial proposals are viable in terms of meeting the requirements of BRE 365.

Section 4.0 within the FRA notes that should in the event that infiltration is unviable alternative outfall points will be investigated. As noted within the FRA, there are no public surface water sewers or drainage ditches within the site or its immediate environs, whilst the River Medway is located 2km to the north of the site.

Given the lack of information on soakage rates and groundwater regime, and the uncertainty over securing an alternative point of discharge, the viability of the surface water management proposals are unclear. Whilst it is noted that the outline application has all matters reserved, the principle of development in this location should be supported with enough detail to demonstrate that the site can be brought forward with a deliverable surface water scheme within land under client control.

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to;

1. Consider how appropriate SuDS can be integrated within the proposals in the event that soakage potential within the site is inadequate
2. Provide evidence that soakage rates are suitable for the implementation of a SuDS strategy reliant on the infiltration capacity. Given the history of collapses associated with the Hythe Formation an Site Investigation should be undertaken to define soakage rates and potential dissolution features that may impact on the viability of Soakaways
3. Following confirmation on soakage rates consider the need for making space available within the masterplan for other forms of SuDS features within the site
4. If the soakage potential of the site is deemed poor, then details should be provided to confirm on the extent of off-site works, including the need for pumped outfall, which would be required to secure a suitable discharge point for surface water from the proposed development. This is likely to require a capacity check and/or sewer requisition application to investigate the viability of making a positive piped connection to either a sewer or watercourse

Overcoming our objection

To overcome our objection an FRA must be submitted that addresses the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. The production of an FRA will not in itself result in the removal of an objection.'

6.8 **NHS Property Services**

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

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a 0.5 mile radius of the development at Heath Road, Coxheath. 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.

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

Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:
55 units x 2.34 person per unit = 128.7 assumed occupancy 128.7 @ £360 per person = £46,332

NHS Property Services Ltd therefore seeks a contribution of £46,332.'

6.9 **KCC PROW Office**

'The proposed development site is bordered to the west by Public Right of Way KM46 and to the north by Public Right of Way KM44. The location of these footpaths is indicated on the attached map extract. The existence of the right of way is a material consideration.

As a general comment, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are highlighted within the local districts policy frameworks. The team is committed to working with the Borough Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Firstly I note that this development has a direct effect on Public Right of Way KM46. As the land adjacent to the path is due to be developed, the character and usage of the path will change from a rural to an urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface here with a minimum width of 2.5 metres to make this path fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the path such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban furniture may be necessary to prevent illegal vehicular use. The exact surface specification and furniture plan will need to be agreed with the PROW and Access service by the applicant.

Consideration should also be given at this point to upgrading the route of KM46 to a shared footway/cycle route. If the path was to become a cycle route then any surface specification, widths and legal status for this would need to be agreed with the Kent Highways Officer.

Secondly the potential for increased pedestrian usage of KM44 needs to be considered also as a major access route to the development. Currently this footpath runs along an access road with residents presumably having private vehicular access rights along here. Consideration should be given to increasing safety to pedestrians and cyclists using this route. This would include repairing potholes and perhaps delineating vehicles from walkers. Again consideration for improving cycle access along here would also be appropriate in discussion with the Kent Highways Officer.

Funding for these proposed surface and furniture improvements and any status upgrade for PROWs KM46 and KM44 should be agreed through Section 106 agreements.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- **NPF 35**, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.'

6.10 **Southern Gas Networks:** Have provided a plan showing a low-medium pressure gas-main connecting Adbert Drive running north from Heath Road along the west side of the coppice woodland to the west of the current site.

6.11 **Natural England:** Consider that the development will not impact on any statutory Nature Conservation Sites and have advised that in terms of protected species reference should be made to their standing advice. They have also commented as follows:

'Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.'

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application included the following documents: Transport Statement, Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment, Preliminary Arboricultural Report, Draft S106 Agreement.

8.0 APPRAISAL

Principle of Development

- 8.1 This site has an extensive planning history. There have been a number of applications for residential development on the site since the 1970s and earlier which have consistently been refused.
- 8.2 There is an extant permission on the site for a petrol filling station that dates from 1972. The applicant has cited this as a fallback position for consideration in the determination of the application, but infers that this development would now be highly inappropriate in this location. Evidence of the work undertaken at the time to commence the development is being lost due to the regeneration of the site that is occurring. Furthermore, given the passage of time where no attempt has been made to fully implement the extant permission it must be questioned whether much weight can be given to the fall-back position as a material consideration.

- 8.3 The complete lack of any development on the site; and the inference contained in the application that the “fall-back” development would now be “highly inappropriate in this location”, render the prospect of the “fall-back” development ever actually occurring highly unlikely. Relevant case law would appear to back this up.
- 8.4 In *Brentwood Borough Council v Secretary of State (1996)* it was held that for a “fall-back” suggestion to be relevant there must be a finding of an actually intended use as opposed to a mere legal or theoretical entitlement.
- 8.5 In *South Buckinghamshire District Council v Secretary of State for the Environment, Transport and the Regions (1999)* it was held that unless the resumption (or, in this case, full implementation) of the “fall-back” development/use was a realistic possibility, it would be ‘*Wednesbury*’ unreasonable to treat the harm that would result from such a resumption as a reason for granting permission for the new development. The degree of probability of the “fall-back” use being resumed would, or at least could, be a material consideration.
- 8.6 I consider that the probability of the fall back development in this case being resumed is highly unlikely and that as a consequence negligible weight can be given to the 1971 permission.
- 8.7 The site was also considered at the Local Plan Inquiry in 1998 where the Inspector concluded as follows:

**“H2 - Housing Land Allocations: Land at Heath Road, Coxheath
Objections DH0549 - M J Older
DH0577 - Gleeson Homes**

Issues *Whether housing on this site would:*

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or*
(b) harm the character and appearance of the area; and if so
(c) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.

Conclusions

4.387 I have dealt with this objection on the basis of the reduced area shown on the plan presented by the objectors at the inquiry, and to which the Council responded (MB/PR.94).

4.388 I note the objectors’ argument about the planning permission which was granted on this site for a petrol filling station in 1972, and that the Council disputes that this is an extant permission. However, this is not a matter for me in dealing with objections to the local plan since, as the Council argued, the objectors have a remedy through the submission of an application for a Certificate of Lawful Use. Following that, any future development could be resolved as a matter of development control, taking into account the lawful use of the site, and the policies in the Plan. I have therefore dealt with this objection only as one seeking an allocation for housing on an undeveloped site.

Issue (a)

4.389 I agree that Coxheath has a range of services and shops. On the other hand, as the Council points, out there are no significant local employers and to my mind the shops and other services are at a village level only. For this reason

it seems to me that most people living in the proposed houses would travel to Maidstone and elsewhere for work, main shopping trips and recreation. I accept that there is a bus service, but I have no doubt that cars would be used for many of these trips.

4.390 I also note the advice in paragraph 1.8 of PPG13 that, to meet the aim of reducing the need to travel, local planning authorities should adopt policies to strengthen local centres in rural areas which offer a range of everyday community, shopping and employment opportunities. However, to my mind, Coxheath does not comply with this advice since there are no employers and I saw that the range of shopping is limited. I conclude on this issue that the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.

Issue (b)

4.391 I found that on this edge of Coxheath there is a very clear distinction between the undeveloped, rural character and appearance of land to the west and the village itself. There is largely undeveloped land on both sides of Heath Road which to my mind creates a rural setting for Coxheath even if, as the objectors argue, this particular site is not covered by any landscape designation. In these circumstances, I consider that housing on the site would be an urban intrusion into the rural setting of the village.

4.392 I note the broad landscape proposals which were submitted at the inquiry. However, I am not convinced that the proposed planting and open space around the edge of the site would prevent the houses from being seen as an intrusion in the area, even after the time necessary for the planting to mature. In addition, I have no doubt that providing an acceptable highway access would create an urban character and appearance through the urban scale and appearance of the road itself, the views it would offer into the housing area and the effect of the visibility splays which would be necessary.

4.393 In Chapter 3 I recommend modifications to ENV33, but accept its application in principle to this area. The Council will therefore have to consider the future form of this policy, but it seems to me that development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.

4.394 For all these reasons I conclude that housing on the site would materially harm the character and appearance of the area.

Issue (c)

4.395 I have found in paragraph 4.238 that a further 940 dwellings are needed to meet the Structure Plan housing requirements, and in paragraph 4.700 I accept that I have been unable to recommend enough sites to meet that need. However, I do not consider that this overrides the clear harm I have found in this case to the aims of PPG13 or the character and appearance of the area. I therefore conclude that this shortfall does not justify housing on this site.

RECOMMENDATION

4.396 Do not modify the Plan in response to these objections.'

- 8.8 Clearly the previous Local Plan Inspector considered the harm that would result from the development of the site to be of overriding weight in his decision not to allocate the site.

- 8.9 Since his report was published and as Members will note from the history a lawful development certificate application has been approved on the site in relation to the development permitted in 1971. As indicated above however, any evidence of the implementation of that permission is rapidly disappearing as the site has reached such a stage in its regeneration that it is no longer readily apparent. Furthermore, no work has been undertaken on the site since the initial works undertaken shortly after the permission was originally granted.
- 8.10 This site is not identified as a housing allocation in the Reg18 consultation draft of the Maidstone Borough Local Plan. It does however feature in the emerging Coxheath Neighbourhood Plan (NP) as a proposed allocation. Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it is grounds in itself to approve planning permission.
- 8.11 Given the limited separation between the edge of Coxheath and the settlement in Dean Street, which remains the same as when the site was considered by the previous Local Plan Inspector, an objection is raised in principle to the development of the site. It is also considered that the visual impact of the development would be unacceptable' which is addressed in more detail below.

Visual Impact

- 8.12 From much of the site, the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. The majority of the western extent of the village is mostly defined by close-boarded fencing and the adjoining houses are on slightly higher land than much of the application site. In some cases the boundary edge has been used for dumping of household garden waste.
- 8.13 Approximately half way into the site, to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 8.14 Development on this site would have a significant visual impact and would have an urbanising impact on the area, from the proposed roundabout/junction on the B2163 to the infilling with built development of this currently largely open area.
- 8.15 The site plays a significant role in the prevention of coalescence between Dean Street and Coxheath. The buffer between the two settlements would be reduced to around 28m from the current 80m+.
- 8.16 The Local Plan Inspector was concerned about the substantial reduction in the current gap between Dean Street and the western confines of Coxheath. Even with the transfer of the land proposed as part of the application it is concluded that the visual impact of the development would remain unacceptable. Development on this site would significantly urbanise the area causing harm to its character and appearance.

Impact on Residential Amenity

- 8.17 The development is unlikely to have a significant impact on the amenities of adjoining occupiers to the east of the site and the dwelling south of Heath Road, 'Wood View'. Appropriate levels of privacy would be secured through details submitted at reserved matter stage. Similarly, appropriate levels of amenity within the site would also be

secured through details submitted at reserved matters stage. No objections are therefore raised to the development on the grounds of impact on residential amenity.

Highways

- 8.18 Kent Highway Services have raised no objections to the development. The application was supported by a transport assessment, which was considered in reaching this conclusion. 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.

As with other development sites within the village, Kent Highways have requested a contribution of £1000/dwelling to be directed towards funding improvements for Linton Crossroads (the junction of the B2163 and A229). This is on the basis that likely development in Coxheath will result in the junction being at over-capacity to the extent that mitigation works will be required.

Landscaping and ecology

- 8.19 As indicated above, the site has regenerated significantly and is being re-colonised by a number of heathland plants and trees. Outright clearance of the existing vegetation would be harmful to the setting of the village and also result in reduced connectivity with the woodland areas further west and to the south of Heath Road some of which is designated as plantation ancient woodland in the 2012 inventory and designated as a Local Wildlife Site.
- 8.20 The proposals would result in the loss of 1.2ha of reptile habitat on the site with just 0.6ha retained/enhanced and some further 0.16 ha of currently unsuitable reptile habitat to be enhanced. The applicants indicate that this area would be fenced off and information boards erected to explain its sensitivity.
- 8.21 KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost.
- 8.22 It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

Other Matters

- 8.23 A flood risk assessment has been submitted to which the Environment Agency have objected on the grounds that they are not satisfied that the development would not result in increased flood risk.
- 8.24 As Members will have noted, the Council's housing section have objected to the proposals on the grounds that the now indicated provision of affordable housing at 15% is not in accordance with adopted development plan policy. The applicants have sought to address the issue by submitting some viability information but this is not a fully detailed viability assessment of the scheme. They also place great emphasis on the emerging neighbourhood plan that seeks a much reduced or no affordable

provision on its indicated development sites. In the absence of a detailed assessment I consider that the applicants have failed to clearly demonstrate why they are proposing a level of affordable housing that is not development plan policy compliant.

9.0 S106 Agreement

9.1 A development of this scale is clearly likely to place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.

9.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that sets out that any obligation must meet the following requirements:
(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development

9.3 Contribution requests have been received from Kent County Council for primary education, community learning, youth, social services, libraries and also a highways contribution, NHS Property Services for expansion/improvements to the Stockett Lane and Orchard surgeries in Coxheath.

9.4 The KCC Requests are as follows

Primary education: A new build cost for school extension of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house.

To be used for the provision of a new primary school in SE Maidstone. 'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

I consider that these requests are justified and necessary to mitigate the impact on service provision likely to be generated by the development.

Kent Highway Services have requested a contribution of £1000/dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. I consider that that this is justified due to the impact that development in Coxheath will have on the junction rendering it beyond designed

capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across the development sites.

- 9.5 NHS Property Services have requested a contribution of £ to be used for expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. I consider that this request does meet the required tests and will mitigate the additional impact on service provision likely to be generated by the development.

10.0 CONCLUSION

- 10.1 The application site is within the countryside and outside the presently defined extent of the built up area. The site was considered as a possible housing allocation in the Local Plan in 1998 but was rejected by the Inspector for the following reasons:

- the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.
- development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.
- housing on the site would materially harm the character and appearance of the surrounding area.
- the housing shortfall should not override the clear harm to the aims of PPG13 or the character and appearance of the area and does not justify housing on this site.

- 10.2 It is concluded that the situation has not materially changed since 1998 and notwithstanding the lack of a 5 year housing land supply the release of this site for residential development would result in material harm to the character and appearance of the area through significant erosion of the current gap between the settlements of Coxheath and Dean Street East Farleigh, notwithstanding the site's allocation in the draft Coxheath Neighbourhood Plan.

- 10.3 The provision of only 15% affordable housing within the scheme has not been adequately justified. Lack of such provision would not meet identified housing needs in the locality.

- 10.4 I also consider that the scheme would result in an unacceptable impact on biodiversity within the site. KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost. It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

11.0 RECOMMENDATION –

REFUSE for the following reasons:

1. The proposed development would represent a major expansion of the village of Coxheath beyond the defined settlement boundary as defined in Maidstone Borough-wide Local Plan 2000 and is considered to be contrary to policies ENV28 and ENV32 in that the proposals would form an undesirable expansion of the rural settlement into the open countryside, detrimental to the visual amenities and semi-rural character of the locality.

2. The proposal if permitted would significantly erode the gap between the settlements at Coxheath and Dean Street East Farleigh and would be likely to create pressure for further development leading to further coalescence of the built development, detrimental to the character of the surrounding area thus contrary to policy ENV32 of the Maidstone Borough-wide Local Plan 2000.

3. In the opinion of the local planning authority insufficient information has been submitted to demonstrate that the impact of the proposed development on biodiversity and ecology within the site will be appropriately mitigated. In particular, it has not been demonstrated the proposed receptor site is adequate and free from possible public incursion and that its size is commensurate with the extent of habitat lost. Furthermore, it is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed. To permit the development in the absence of such information would be contrary to the advice in the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.

4. In the opinion of the local planning authority, insufficient information has been submitted to show that the proposed development cannot accommodate affordable housing provision in accordance with adopted development plan policy. To permit the development in the absence of such justification would be contrary to the provisions of policy AH1 of the Affordable Housing Development Plan Document 2006.

5. In the absence of a legal agreement being in place to secure developer contributions in connection with education, health, community services and highway improvements, the development will place additional demands on local services and then local highway network without provision first being in place to ensure that the additional demands placed on the local services and highway network are being met. The proposal will therefore result in an intensified use of these facilities to the detriment of existing users contrary to the provisions of policies CF1 and T23 of the Maidstone Borough-wide Local plan 2000.

Case Officer: Tim Bloomfield

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 18 DECEMBER 2014

Present: Councillor English (Chairman) and
Councillors Ash, Cox, Greer, Harwood, Hogg,
Moriarty, Paterson, Mrs Robertson and J.A. Wilson

Also Present: Councillors Powell and Sams

194. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Collins, Edwards-Daem and Paine.

195. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

196. **NOTIFICATION OF VISITING MEMBERS**

Councillor Powell indicated his wish to speak on the reports of the Head of Planning and Development relating to applications MA/14/0095 and 14/502009.

Councillor Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application MA/14/0095.

197. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

198. **URGENT ITEM**

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications to be considered at the meeting.

199. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

200. **EXEMPT ITEMS**

RESOLVED: That the items on the agenda be taken in public as proposed.

201. MINUTES OF THE MEETING HELD ON 27 NOVEMBER 2014

RESOLVED: That the Minutes of the meeting held on 27 November 2014 be approved as a correct record and signed.

202. PRESENTATION OF PETITIONS

There were no petitions.

203. DEFERRED ITEM

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Development Manager advised the Committee that a revised viability assessment was still awaited.

204. MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Hughes of Coxheath Parish Council (in support) and Mr Atkinson, for the applicant, addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred to:

Seek additional details of surface water drainage (to address Environment Agency comments);

Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and

Seek further ecological surveys of the site.

2. That any S106 legal agreement should include a commitment from the developer to deliver the proposal.

Voting: 7 – For 2 – Against 1 – Abstention

Councillor Harwood requested that his dissent be recorded.

205. MA/13/1999 - CHANGE OF USE TO PUBLIC OPEN SPACE - LAND SOUTH OF PLEASANT VALLEY LANE, PLEASANT VALLEY LANE, EAST FARLEIGH, KENT

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Councillor Hughes of Coxheath Parish Council (in support) and Mr Atkinson, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure a programme for the long term management of the woodland and heathland and the ecological value of the site, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

206. MA/14/0095 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION. FULL APPLICATION FOR A CHANGE OF USE AND CONVERSION OF OAST HOUSE TO A SINGLE DWELLING WITH GARAGING - LAND AT CHURCH ROAD, HARRIETSHAM, KENT

All Members except Councillor Paterson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Przystupa, for objectors, Councillor Taylor of Harrietsham Parish Council (against), Mr Blythin, for the applicant, and Councillors Sams and Powell (Visiting Members) (against) addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Services may advise, to secure the following:

- The provision of 40% affordable residential units within the application site;
- A contribution for Kent County Council of £590.24 per applicable flat and £2,360.96 per applicable house towards the build costs of extending Harrietsham Primary School;

- A contribution for Kent County Council of £148.86 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;
- A contribution for Kent County Council of £30.70 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;
- A contribution for Kent County Council of £8.44 per household to be used to address the demand from the development towards youth services locally;
- A contribution for Kent County Council Social Services of £15.94 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology and enhancement of local community facilities to ensure full DDA access;
- A contribution for the NHS of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;
- A contribution towards highway improvement works to the A20 (the details to be finalised in consultation with the Parish Council and Ward Members); and
- A commitment from the developer to deliver the proposal,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report, with the amendment of condition 9 (j) to include appropriate enhancement for farmland bird species and with the proviso that the 'parameter/design' conditions are to be finalised in consultation with the Parish Council and Ward Members to ensure a high quality design.

Voting: 7 – For 3 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application.

207. 14/502009 - OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF 40 DWELLINGS AND ASSOCIATED WORKS WITH PARKING, PUBLIC OPEN SPACE, ACCESS ROAD AND PEDESTRIAN LINKS WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - COURT LODGE, COURT LODGE ROAD, HARRIETSHAM, KENT

The Chairman and Councillors Greer, Hogg and Paterson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mrs Dean, an objector, Councillor Clifton of Harrietsham Parish Council (against), Mr Hume, for the applicant, and Councillor Powell (Visiting Member) (against) addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report and the additional reason set out in the urgent update report.

Voting: 6 – For 0 – Against 3 – Abstentions

208. 14/500606 - DEMOLITION OF X4 EXISTING COMMERCIAL BUILDINGS AND EXISTING DETACHED BUNGALOW 'GREENTOPS' AND REDEVELOPMENT TO PROVIDE X6 DETACHED HOUSES AND GARAGES - GREENTOPS, HEADCORN ROAD, SUTTON VALENCE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Blythin, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 8 – For 1 – Against 0 – Abstentions

209. 14/502411 - VARIATION OF CONDITION 3 OF MA/11/0744 TO ALLOW THE REMOVAL OF AMENITY BLOCK AND THE SITING OF ADDITIONAL 2 MOBILE HOMES ON PLOT 3 WITH A TOTAL OF 6 MOBILES FOR THE PLOT - THE ORCHARDS, SNOWEY TRACK, OFF PARK LANE, BOUGHTON MONCHELSEA, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

210. 14/504318 - SINGLE STOREY PITCHED ROOF REAR EXTENSION AND NEW RETAINING WALL IN REAR GARDEN - 47 BRYANT CLOSE, NETTLESTEAD, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

211. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

212. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

213. CHAIRMAN'S ANNOUNCEMENTS

The Chairman updated the Committee on the improvements in the performance of the Planning Support Shared Service. He said that arrangements would be made for the Committee to receive a briefing from the Interim Project Director in the New Year.

214. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.

Appendix 2 - Draft Policy H1(75) - Land north of Heath Road (Olders Field)

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

Design and Layout

1. The layout will provide for a range of dwelling types and sizes to ensure an appropriate mix of accommodation is provided.
2. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials and demonstrating compliance with the requirements of policies DM2, DM3 and DM4.
3. Residential development shall take place on not more than 2.25ha of the site as indicated on the Proposals Map and shall be accessed from the B2163 Heath Road.
4. Two areas of open space comprising a minimum of 1.54ha to the north of the residential development area and a minimum of 0.8ha to the west of the residential development area, as shown on the proposals map, shall be provided as open space.

Landscape/Ecology

5. The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of guidance in place at the time of the submission of an application.
6. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
7. The development proposals are designed to take into account the results of a phase 1 habitat survey and any species specific surveys that may, as a result, be recommended, together with any necessary mitigation/enhancement measures.

Flood risk and drainage

8. Development will be subject to the results of a detailed flood risk assessment and a sustainable surface water drainage strategy that demonstrates that surface water run-off from the site will not lead to an increased risk of flooding either on site or off-site.

Community facilities

9. Contributions towards community infrastructure in Coxheath to mitigate the additional impact of the development will be provided where appropriate.

Open space

10. In addition to the provision of publicly accessible open space pursuant to criterion 4, additional contributions towards other types of open space

and/or contributions towards such provision off-site will be provided where appropriate.

Access

11. Vehicular access shall be taken from the B2163 Heath Road.

12. Improvements to PROW KM46 from Heath Road as far as its junction with KM46 (Pleasant Valley Lane) for the benefit of both pedestrian and cycle access will be provided.

Highways

13. Contributions towards the improvement of the junction of the B2163 Heath Road and the A229 Linton Road at Linton Crossroads will be provided where appropriate.

14. The existing pedestrian footpath on the north side of Heath Road that currently terminates at Wakehurst Close shall be extended across the site frontage as far as PROW KM46.