

**Reference number: 15/507493**

The earlier urgent update should be disregarded and this update replaces it in its entirety.

**Amendment to existing reason**

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, given the current shortfall in the required five-year housing supply, the impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan. The Regulation 19 consultation of the Local Plan Review commences 5<sup>th</sup> February 2016, increasing its weight as a material consideration, however at this stage the weight attached is currently not sufficient to refuse the application. Application MA/14/0830, at The Oaks, Maidstone Road, Sutton Valence was allowed by the Planning Inspectorate under reference APP/U2235/A/14/2228989. This decision examined the sustainability credentials of the immediate area and concluded that the site was sustainable. In terms of its location the credentials of the application site does not significantly differ from that of The Oaks. Consequently in the absence of a current 5-year housing supply the site is considered to accord with the NPPF and would represent sustainable development.

**Amendment to Planning History**

The reference number relating to the history for The Oaks, Maidstone Road, Sutton Valence should read 14/0830.

**Additional representation**

5 further letters of representation have been received following re-consultation. These re-iterate the points summarised at paragraph 4.02 of the Committee Report, in particular re-iterate concerns regarding highway safety and risk of accidents.

**Additional Consultee responses**

Following re-consultation comments have been received from Southern Water, Natural England and Environmental Health. These comments re-iterate those outlined in the Committee Report at Section 5.0.

**Proposed changes to the S106 Heads of terms as set out at Section 9.0**

Following discussions with the Head of Housing, it is unlikely that a Registered Social Housing Provider would wish to take on such a small number of on site units that a 40% provision would provide (4no. dwellings). As such it is considered reasonable that should this be the case the provision shall be sought through an off-site contribution towards affordable housing.

It is therefore recommended by officers to amend point 1. of the Heads of Terms to read :

*The provision of 40% on site affordable housing or the provision of an off-site financial contribution towards affordable housing, the details of which be delegated to the Head of Planning and Development in liaison with the Head of Housing to agree the figure for an off-site financial sum towards affordable or to secure 40 % provision on-site.*

### **Proposed changes to conditions outlined at Section 9.0**

Amend condition 2 relating to materials with the following revised wording :

*Prior to any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The details and sample of the materials submitted shall include details of bird and/or bat bricks incorporated into the eaves of the proposed housing units.*

*Reason : To ensure a satisfactory appearance to the development and interest of ecological enhancement.*

Amend condition 4 to include provision for biodiversity enhancement as part of the dwellings in addition to on-site. This shall now read :

*Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.*

*Reason : To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior. During or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.*

Amend condition 5 to re-enforce the wording of the condition to ensure the long term protection of the boundary woodland :

*Prior to development commencing, a woodland management plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the long-term retention and enhancement of the wooded western and northern boundaries of the application site including its long term maintenance and management. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.*

*Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the plan can be successfully implemented prior, during or post development. This information is required prior to commencement as any site works have the potential to harm the woodland.*

Amend Condition 12 relating to S278 Highways works to read as follows :

*Prior to development reaching damp proof course level the developer shall enter into a Section 278 Agreement with the highways authority for works to include closure of the existing access, localised road widening, establishing visibility splays and construction of new access, footway and kerbing details, including a step free raised border at the bus stop where suitable. All approved works, including any diversions of statutory undertakers equipment, and necessary signage and restrictions shall be completed prior to the occupation of any part of the development.*

*Reason : To ensure the off-site works are carried out in accordance with the principles of permitting the scheme.*

Amend Condition 13 to relating to surface and waste water :

*Prior to development commencing a scheme for the disposal of (a) surface water (which shall be in the form of a SUDS scheme) and (b) waste water shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

*(i) a timetable for its implementation, and*

*(ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.*

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal which needs to be considered prior to development commencing and to ensure ongoing efficiency of the drainage provisions.*

**Proposed additional condition**

Paragraphs 17 of the NPPF as part of its core principles '*supports the transition to a low carbon future in a changing climate.....and encourage the use of renewable resources.*'

Paragraph 93 states that '*Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.*'

Paragraph 97 continues that '*To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise responsibility on all communities to contribute to energy generation from renewable or low carbon sources.*'

In light of the above it is considered that a condition to ensure the use of low carbon and/or renewable energy should be added. This is proposed to read as follows :

*The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.*

*Reason: To ensure an energy efficient form of development.'*

**Recommendation :** Grant planning permission as set out in Section 9.0 of the report subject to the amendments to Conditions 2, 4, 5, 12 and 13 and additional condition relating to Low carbon/renewable energy provision and subject to the amended changes to the Heads of Terms.

Powers to negotiate the heads of terms in relation to the provision of affordable housing and to issue the decision after 12/2/16 to be delegated to the Head of Planning Services.