

## REPORT SUMMARY

<b>REFERENCE NO -</b> 15/509251/OUT			
<b>APPLICATION PROPOSAL -</b> Outline application for residential development with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access).			
<b>ADDRESS -</b> Land North of Bicknor Wood, Sutton Road, Maidstone, Kent			
<p><b>RECOMMENDATION – Grant Planning Permission Subject to</b></p> <ol style="list-style-type: none"> <li>1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise</li> <li>2. such conditions and informatives as the Head of Planning and Development may advise, the Head of Planning and Development be given delegated powers to grant outline permission</li> </ol> <p>(see Section 9 of report for full recommendation)</p>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b> The site is a strategic housing allocation H1(7) in the submitted Maidstone Local Plan 2016 (as modified by the Inspector’s Final Report (Regulation 25).			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> To consider ‘additional’ material considerations and a revised draft S106 legal agreement			
<b>WARD</b> Downswood & Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT:</b> Bellway Homes <b>AGENT:</b> DHA Planning	
<b>DECISION DUE DATE</b> August 2017	<b>PUBLICITY EXPIRY DATE</b> 7/7/17	<b>OFFICER SITE VISIT DATE</b> Various site visits	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/507187/ENVSC R	Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure	EIA not required.	23/12/2015
15/506840/FULL	Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective)	Approved	26/2/2016
13/0951/FULL	Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works	Approved	
16/503775/FULL	Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.	Approved	18/1/17

## MAIN REPORT

- 1.1. This Committee resolved to grant conditional consent for the proposal subject to a S106 legal agreement on 14<sup>th</sup> July 2016. Since then a number of material considerations have altered which are detailed in section 5 of this report and, moreover, the S106 has not been signed. The previous consolidated report is appended. The proposal itself remained
- 1.2. The primary purpose of this report is therefore to allow comprehensive consideration of all relevant material considerations and revised certain draft heads of agreement within the S106.
- 1.3. Therefore, this report's focus is on 'additional' material considerations and a revised draft S106 legal agreement subsequent to the 14<sup>th</sup> July 2016 committee report (appended).
- 1.4. The application was recently considered by Committee on 17<sup>th</sup> August 2017 and was subject to further objections from KCC on Highways grounds, which were addressed in an Urgent Update. That urgent update has been incorporated into this report.
- 1.5. The application was deferred at Committee on 17<sup>th</sup> August 2017 to allow further discussions with Kent County Council on highways matters. Such discussions will be covered in an urgent update report.

## **2.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies: ENV6, ENV21, ENV26, ENV28, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1 (7), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM14, DM22, DM23, DM24, DM25, DM27, ID1
- Schedule of Proposed Main and Minor Modifications to the Regulation 19 Maidstone Borough Local Plan March 2017
- Kent Waste and Minerals Plan 2016
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

## **3.0 LOCAL REPRESENTATIONS**

- 3.01 **Local Residents:** No additional representations received. However, no additional publicity exercise has been undertaken because the outline application has not changed.

## **4.0 CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

Relevant consultees were consulted in relation to iterations of the draft s106 legal agreement. Only altered responses are included

- 4.01 **West Kent Clinical Commissioning Group:** No objection, updated financial contribution.
- 4.02 **Highways England:** Require a managed approach to the delivery of the part-signalisation of Junction 7, which allocates the funding of such improvements in a practical and equitable way.
- 4.03 **KCC Highways:** Have issued a further iteration of earlier objections on highways grounds and have indicated that provision of a dedicate bus route from the site to Bearsted is not viable due to the small demand such a service would generate.
- 4.04 The **Housing Officer** has commented on the impact of the submitted affordable housing policy, DM13. His comments are incorporated in section 6.05 of this report.

All standard consultees were re-consulted shortly before this report was drafted. All relevant responses will be included in an update report.

## 5.0 **APPRAISAL**

### **Reasons for Referral Back to Planning Committee**

- 5.1.1 As discussed earlier, this report considers both 'additional' material considerations and S106 heads.
- 5.1.2 The key material considerations relate to:
  - Air quality update
  - Waste and Minerals provision
  - Boughton Lane Appeal advice
  - Maidstone Submitted Local Plan

### 5.03 **Air quality update**

- 5.03.1 In April 2015, ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible. Those plans were deemed inadequate by ClientEarth who took the government back to the High Court in a Judicial Review. On 2 November 2016 the court ruled that the government's 2015 Air Quality Plan failed to comply with the Supreme Court ruling or relevant EU Directives and said that the government had erred in law by fixing compliance dates based on over optimistic modelling of pollution levels.
- 5.03.2 The responsibility for achieving EU limit values lies with central government (DEFRA) rather than Local Authorities although planning decisions are made on the basis of the national Air Quality Objectives (AQO) which are the same as the limit values. The assessment undertaken to inform this application has been undertaken in consultation with the Senior Scientific Officer (Environmental Protection) and a sensitivity test has been included which uses base year emission factors in the future year scenarios (i.e. assuming no improvement in emission factors) as a worst-case scenario. The overall effect of the development on local air quality is judged as being 'not significant' and sufficient mitigation would be secured by condition.

#### 5.04 Waste and Minerals provision

The Kent Minerals and Waste Local Plan was adopted on 14 July 2016, seeking to safeguard the delivery of a suitable level of these natural resources over the plan period.

- 5.04.1 This is a site that is shown within the Minerals and Waste Plan as being within an area that has the potential to contain Kentish Ragstone, and is therefore sought to be safeguarded. Policy DM7 of the aforementioned plan sets out the circumstances in which planning applications for this type of development can be permitted, having regard to safeguarding requirements. Policy CSM5 relates to land-won mineral safeguarding, and seeks to ensure that resources are not sterilised by other development. Policy DM21 refers to incidental mineral extraction.
- 5.04.2 It is important to note that policy DM7 of the Kent Minerals and Water Local Plan states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of the seven listed criteria is met. Criteria 7 of the aforementioned policy is met where the development proposal *'constitutes development on a site allocated in the adopted development plan.'* Whilst the plan has not yet been formally adopted by the Council, the Local Plan Inspector has issued his Final Report and considers the site policy to be sound in the absence of the requirement for a minerals safeguarding criterion.
- 5.04.3 Whilst it is acknowledged that the County have requested that this site be included within the sites required to provide a Minerals Assessment, the Borough Council remain of the view that sites containing both Ragstone and Industrial Sands should be excluded from such a requirement. It is on this basis that no request has been made of the applicant to provide any assessment on minerals in this instance.
- 5.04.4 Whilst this site is identified within the Kent County Council Minerals and Waste Plan for safeguarding for minerals, given the strategic importance of the site for housing provision, the passage of time, and as the Borough Council are not seeking any Minerals Assessment for sites within this limestone formation, it is not considered that any further information or subsequent consideration is required to determine this application.
- 5.04.5 The Local Plan Inspector's report was published on 27th July 2017 and makes the following relevant points. "The Kent Minerals and Waste Local Plan" does not require that proposed allocations must be subject to a prior Minerals Assessment, as is the case for other types of sites, and Policy DM7 (7) specifically exempts allocations in adopted Local Plans from being subject to this requirement. The relevant extract of the Local Plan Inspector's report is included below:
- Minerals
- "61. In September 2016 KCC published for consultation a draft Supplementary Planning Document entitled 'Minerals and Waste Safeguarding.' MBC has made representations on this document [Document ED 119] and has highlighted that the approach to emerging site allocations has not yet been clarified. It remains unclear what type of minerals assessment is needed for such sites.
62. In these circumstances I conclude that the absence of a policy requirement for a minerals assessment in respect of allocated non-minerals development within the ragstone or Sandgate formation MSA would not result in material inconsistency with national policy since these minerals are not likely to be needed."

#### 5.05 Boughton Lane Appeal advice

5.05.1 At the Planning Committee meeting on 14<sup>th</sup> July 2016 the legal officer advised members that the Boughton Lane/New Line Learning decision was not a material consideration in the determination of this planning application. Whilst it is correct that the Secretary of State's decision has been quashed by the Court with the consent of the parties, this was on a discrete basis relating to the approach taken to the Maidstone Borough-Wide Local Plan (2000) saved policy ENV32. No challenge was made to the Secretary of State's (or his Inspector's) conclusions in respect of traffic congestion, and so the Council does not accept that those findings were affected by the quashing of the decision.

5.05.1 As Members are no doubt aware, the appeal decision has been overtaken by events in that the site has been removed from the Local Plan by the Inspector in his Final Report. The South East sites have obviously been found sound.

## **5.06 Maidstone Local Plan (2011-2031) & Final Report**

5.06.1 A critical material consideration is that since this application was last considered in July 2016, the Submitted Maidstone Borough Local Plan has made substantial progress towards adoption. The Examination in Public was held between October 2016 and January 2017. The Local Plan Inspector issued his Interim Findings on 22<sup>nd</sup> December 2016. Overall the draft Plan now has significant weight. The site specific allocation H1(7) was accepted by the Inspector who supported the allocation of development sites under Policy SP3 in the Interim Findings. In particular the Inspector supported the Council's position regarding necessary transport improvements to mitigate the impact of housing growth. The Inspector criticised the position of KCC obstructing the provision of sustainable transport measures on the A274. Policy H1 (7) was not proposed to be altered in the subsequent Proposed Main and Minor Modifications (March 2017)<sup>1</sup> which indicates that the Inspector considers H1(7) to be sound and legally compliant. Moreover, the Inspector's Final Report has now been received and there are no significant modifications proposed which would prejudice the delivery of this housing allocation. As a consequence it is considered that Policy H1(7) should be afforded almost full weight in accordance with paragraph 216 to Annex 1 of the NPPF.

5.06.2 Delivery of this housing is an important element of the Council's housing trajectory to meet objectively assessed housing need. This outline planning application has been carefully considered against the policy criteria set out in H1(7).

## **5.07 Highways Matters**

5.07.1 Prior to Committee on 17<sup>th</sup> August KCC reiterated highways related objections for which the following response was provided. Highways issues were considered in considerable detail when the Committee resolved to grant consent for 15/509015 and 15/509251 on 14<sup>th</sup> July 2016. Maidstone officers have stated that the proposals will not lead to a severe impact on highways. The County Council have consistently failed to implement necessary highways improvements funded through S106 which were necessary to relieve congestion on A274. This has been clearly acknowledged by the Inspector of the Maidstone local plan EiP (See 6.7.2 below). It is in this context that KCC have been excluded as signatory for the relevant S106s. They have, however, been consulted on the contents of the S106s. The proposed highways works represent a comprehensive approach to impact mitigation and are in line with expert specification, such as the A274 Corridor Study, part of the evidence base

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underpinning consideration of the applications. I consider that the relevant reports presented to this and previous relevant committees provide an accurate summary of the County Council's view.

#### 5.07.2 *“Conclusion on Transport in South East Maidstone*

*169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.*

*170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town.”*

## **7.0 S106 HEADS**

- Part-Signalisation of Junction 7 of the M20 Motorway
- Affordable Housing
- Health Contribution
- Additional Bus Services

### **7.1 Part-Signalisation of Junction 7 of the M20 Motorway**

7.1.1 Highways England consider the proposal has a material impact on Junction 7 of the M20 and consider that it should contribute to a managed approach to the delivery of signalisation of this junction. They have previously stated:

“6.13 Highways England: We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario. In the absence of any timescales for the development of the Medical Campus M20 Junction 7 instigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place”.

7.1.3 Highways England consider that a ‘managed approach’ should be taken and have been reference to the statement of common ground drawn up for the Examination in Public of the Local Plan. They have indicated that they would object if the proposed development did not make a suitable contribution to the J7 works.

- 7.1.5 This Council, as local planning authority, does take a 'managed approach' both in terms of policy and practice. In effect, we have a clear strategy.
- 7.1.6 Policy DM21 'Sustainable Transport' inter alia identifies the need for traffic signalisation at J7 (para 17.127 of the explanatory text) then refers to the need to work in partnership with the Highways Authorities and the Integrated Transport Strategy. It highlights the need for transport assessments in accordance with the NPPF.
- 7.1.7 Effectively, this means an area based approach to the planning and delivery of infrastructure is employed in that the specific improvements are identified in the Local Plan (together with the ITS and IDP) and through transport assessments, the impacts and so the apportionment can be identified.
- 7.1.8 Mott McDonald have been employed to undertake detailed analysis in line with this approach. A report is appended. Three sites have been identified as having a significant impact on J7 and with a reasonably high level of certainty of delivery in the next 6 years or so. Moreover, with developers. Therefore it is proposed to attach a Grampian condition requiring the developer to enter into a Section 278 Agreement under the 1980 Highways Act with Highways England securing a financial contribution toward J7. The apportionment of this substantial contribution would be based on the indicative percentages for the 3 schemes by Mott McDonald:-

- This site, namely, land south of Sutton Road, Local Plan reference H1 (10)
- Land north of Bicknor Wood H1 (7)
- Land west of Church Road, Otham H1 (8).

These are the sites currently with the greatest certainty of delivery and demonstrate the 'managed approach' in practice. However, given that the J7 improvement works may not be implemented for over 10 years then it may be that other allocated sites or windfall sites contribute in the fullness of time depending on the impact (as assessed in Transport Assessments) and timing.

- 7.1.9 It may also be the case that the 'medical' campus at J7 is built out earlier than anticipated. If such a future scenario were to happen then contributions could be taken to fund capacity improvements at roundabouts/junctions in close proximity to J7 for example.

## 7.2 Affordable housing

- 7.2.1 As Members will be aware, the previous resolution sought to provide 30% affordable housing with a 60/40 split between social rented and shared ownership tenure. Since the resolution last year, the Council have progressed with their local plan, and the policies and plan have been found sound subject to modifications. The Council's emerging Policy (DM13) requires the provision of a 70/30 split unless viability indicates otherwise. In the light of this policy, the applicants propose a 65/35 tenure split.

- 7.2.2 Clearly the delivery of affordable housing is a priority of the Council, and I would seek to adhere to the emerging policy where possible. However, in this instance, given the planning history of this site, and the fact there has been a previous resolution, I consider it acceptable that the applicant is proposing a 65/35 split in this instance, and no objection is therefore raised.

## 7.3 Health Contribution.

7.3.1 West Kent CCG has updated their request for financial contribution to meet the likely health needs of new residents of the development. While the number of houses is indicative, if it were 175 market units the contribution for health would be £180,072. Such a settlement would fulfil S106 requirements.

7.3.2 The report seeks to accurately reflect the financial contribution due to West Kent CCG and to update the medical practices which the CCG have identified as being impacted on by this proposal. On 14 July 2016, this Committee resolved to grant planning permission subject to a s.106 legal agreement securing, amongst others, a financial contribution of **£978.34 per dwelling** towards one of 5 named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- Northumberland Court
- Downswood Surgery
- Grove Park Surgery.

7.3.3 The figure of £978.34 per dwelling was inaccurate for various reasons including:

- It assumed that 250 units would be delivered. However, as this is an outline permission where the number of dwellings would be settled as part of the reserved matters, it is not possible to 'fix' the contribution;
- the CCG do not apply for contributions for affordable housing units. The figure of £978.34 included affordable housing;
- the CCG's calculation is based on a per person (and not a per dwelling) amount of **£360 per person** with the calculation then based on a predicted occupancy rate (for e.g. a 1 bed unit assumed 1.4 persons x £360 per person = £504 per 1 bed unit whilst a 4 bed unit assumes 3.5 persons x £360 per person = £5,040 per 4 bed unit).

7.3.4 Furthermore, West Kent CCG have updated their named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- The Medical Centre Group (replacing Northumberland Court)
- The Orchard Surgery, Langley (replacing Downswood Surgery)
- Grove Park Surgery

## **Public Transport**

7.03.2 As with the land south of Sutton Road application (also on the agenda), the previously agreed bus service for Bearsted railway station cannot be delivered for commercial reasons. Therefore a head securing this is not proposed. However, one of the reasons why the Local Plan Inspector found the A274 residential allocations to be acceptable is that a new service to Maidstone East is proposed to capitalise on the new Thames Link services coming on stream in 2018. Therefore, I consider that monies are directed to the new service as part of a s106 head of agreement.

## **8.0 CONCLUSION**

8.01 Having considered the 'updated' material planning considerations subsequent to the July 2016 Planning Committee together with the outstanding s106 heads my recommendation remains positive for the allocated residential site subject to the new heads and conditions. This is reinforced by the acceptance of this site as an allocation in the Inspector's Final Report.

- 8.02 Apart from the specific matters discussed, the heads of agreement and planning conditions are as reported to and resolved by Planning Committee in July 2016.
- 8.03 A considerable period of time has elapsed subsequent to this application being reported to Planning Committee in July 2016 with inter alia repercussions for strategic housing delivery. Therefore, I seek full delegated powers for both the necessary heads of agreement and planning conditions in order to deliver the specific matters discussed in this report.

## **9.0 RECOMMENDATION**

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

1. Section 106 agreement with revised heads of agreement in relation to a financial contribution to signalisation works at Junction 7 of the M20 motorway; affordable housing tenure mix; financial contributions towards improved primary health care facilities in the local area; a contribution of £31,680 for the upgrading of PROWs KM87, KM88 and KM94 and a revised financial contribution toward improved bus services in the local area, (otherwise the heads of agreement are as resolved at the July 2016 Planning Committee).
2. That the Head of Planning and Development is able to settle, delete or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by Planning Committee.

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

### RESERVED MATTERS

1. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for each phase or sub-phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-  
a. Layout b. Scale c. Appearance d. Landscaping  
The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.

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

### TIME LIMITS

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters to be made to the LPA within 4 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.

M20/JUNCTION 7

3. Prior to the completion of the 125<sup>th</sup> dwelling house, the applicant shall complete a section 278 Agreement under the Highways Act 1980 with Highways England which makes a significant contribution toward the part-signalisation of Junction 7 of the M20 motorway, the contribution will be proportional and apportioned with other schemes having a significant impact on the traffic flows at Junction 7.

Reason: Transport assessments have been undertaken which confirm that the development would have a significant impact on traffic flows at Junction 7 and in accordance with Policy DM71.

#### LANDSCAPING

4. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping located within the application site.
- b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).
- c) The provision of a 15m wide protective buffer zone along the entire western boundary of the site, excluding the access road, visibility splays and associated footways.
- d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter fenced off in accordance with details to be submitted to and approved by the Local Planning Authority. The approved fencing shall be maintained thereafter.
- e) The provision of a largely 40m wide minimum protective buffer zone along the entire eastern boundary of the site.
- f) The provision of a protective buffer zone along the entire northern boundary of the site, excluding the access road, sight lines, and associated footways.
- g) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
- h) Proposed finished floor levels and contours
- i) Works to necessary Public Rights of Way;
- j) Car parking layouts;
- k) Other vehicle and pedestrian access and circulation areas;
- l) Hard surfacing materials;
- m) Written planting specifications;
- n) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
- o) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas including their long term management and maintenance
- p) Implementation programme.

The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing.

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Reason: To ensure a satisfactory development in the interests of amenity.

5. All hard and soft landscape works submitted and approved pursuant to condition 1 (d) for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase.. The works shall be carried out prior to the occupation of any part of the development on that phase/sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

#### PLANTING

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

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

#### PHASING

7. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

#### ECOLOGY

8. Prior to the commencement of development of each phase or sub phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds and retained habitats including the stream and hedgerows) shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities

on site of an ecological clerk of works or similarly competent person.  
The works shall be carried out strictly in accordance with the approved details.

Reason: To protect and enhance biodiversity.

9. Prior to the commencement of development of each phase or sub phase an ecological design and management strategy (EDS) addressing habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term management and maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

10. No development shall take place (including ground works, vegetation clearance) on each phase or sub phase, until a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" clearly depicted on a map Planning Committee Report
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

11. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 18 months from the date of the reserved matters planning consent, the ecological measures are set out in the Section six of the Bicknor Green, Land North of Bicknor Wood, Maidstone, Kent Ecological Appraisal (Ref:ECO4320.EcoApp.vf shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

#### LIGHTING

12. Details of a "lighting design strategy for biodiversity" for each phase of the site shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

#### TREES

13. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

14. No development shall commence on any phase or sub-phase until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the

site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site. The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build. The development shall be implemented in accordance with the approved AIA unless otherwise agreed in writing by the LPA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

#### HEDGE PROTECTION

15. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

#### MATERIALS

16. The development, above ground level for the relevant phase or sub-phase, shall not commence for the relevant phase or sub-phase until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

#### ARCHAEOLOGY

17. The development shall not commence for the relevant phase or sub phase until a programme of archaeological work in accordance with a written specification and timetable has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

## SLAB LEVELS

18. The development above ground level shall not commence for the relevant phase or sub phase until details of the proposed slab levels and ridge heights of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels unless otherwise agreed in writing by the Local Planning Authority.

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

## CONTAMINATION

19. The development shall not commence for the relevant phase or sub phase until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that

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the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of public safety and pollution prevention.

## HIGHWAYS AND ACCESS

20. No construction above DPC level of each phase or sub phase of the development hereby permitted shall take place until details of the following highways, cycle route and footway improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling:

a) the treatment of the White Horse Lane between Gore Court Road and the new access road;

b) the closure of Gore Court Road between the edge of the site and Sutton Road and replacement with PROW including footway and cycleway.

c) Closure of Gore Court Road at its junction with A274.

d) Closure of White Horse Lane between Gore Court Road and the approved site access, and replacement with PROW including footway and cycleway.

e) on-site footways (shall be constructed before the dwellings to which they serve are first occupied), including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude this accesses being opened up.

f) all footways, cycle routes and highways on site shall be constructed before the dwellings to which they serve are first occupied.

Reason: In the interests of good accessibility and sustainable travel.

#### CONSTRUCTION

21. No development of the site, phase or sub phase shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;
  - iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
  - v) the storage of plant and materials used in constructing the development;
  - vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
  - vii) wheel washing facilities;
  - viii) measures to control the emission of dust and dirt during construction;
  - ix) measures to control noise and vibration during construction;
- Planning Committee Report
- x) a scheme for the recycling or disposal of waste resulting from construction works.
  - xi) Code of Construction Practise.

Reason: In the interest of amenity.

#### JUNCTION IMPROVEMENTS

22. The access shall be constructed in accordance with the approved plan 10-T007 47A at the time of the development. Signalisation of the junction of A274 and Imperial Park, shall be carried out prior to occupation of any dwelling in accordance with details which have first been submitted to and approved in writing by the local planning authority in consultation with Kent Highways.

Reason: In the interests of highway safety.

#### RENEWABLE ENERGY

23. The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

#### NUMBER OF DWELLINGS

24. The number of dwellings shall not be more than 250.

Reason: In order to ensure satisfactory design and residential amenity.

#### DRAINAGE

25. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

26. Development shall not begin (with the exception of a haul road) until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

27. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme 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 Planning Committee Report  
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 and to ensure ongoing efficacy of the drainage provisions.

#### FOUL WATER

28. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

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.

The development shall be carried out in accordance with the approved schemes and timetable.

Reason: In the interest of pollution and flood prevention.

#### SUSTAINABLE TRAVEL

29. A Sustainable Travel Statement must be submitted to and approved from KCC Highways and the Local Planning Authority. It will include, as a minimum, the

following measures, to be implemented prior to occupation:

#### Welcome Pack

1. A Welcome Pack available to all new residents as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
2. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
3. Approximate time it takes to walk or cycle to various local facilities
4. Site specific public transport information including up to date public transport timetables
5. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
6. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
7. Information on public transport season tickets and offers
8. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
9. Information on the health, financial and environmental benefits of sustainable travel
10. Discounted tickets for local buses and/or vouchers for bike maintenance/parts at local shops, to be negotiated.

#### Car Club

At least one parking bay to be allocated to a residential or publically accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided ideally available also to members not living in the development. Developer contribution shall include:

- i. Traffic Regulation Orders and Associated road markings/signage
- ii. Incentives for new residents to join the car club (£30 free driving credit per dwelling)
- iii. Lease of the vehicle(s) for the first 6 months.

#### Plug-in and low emission charging infrastructure

Domestic: Dwellings with dedicated off-street parking to be provided with charging points for low-emission plug-in vehicles.

Publicly Accessible (in development including 10 or more flats with no dedicated offstreet parking): at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the LPA and KCC).

Reason: In the interests of sustainable transport and the avoidance of pollution.

#### PROVISION OF BUS FACILITIES AND ACCESS

30. Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road.

#### LIFETIME HOMES

31. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

#### DESIGN PRINCIPLES STATEMENT

32. No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development proposals shall be of a high standard of design and sustainability incorporating the use of vernacular materials taking their cue from the local context. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design.

#### APPROVED DRAWINGS

33. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 15042 –S101A – Site Location Plan; Drawing 15042 - C09A - Development Parameter Plan; Drawing 10-T007 47A - Proposed Highway Alignment;, Drawing 10-T007 63B - Proposed Footway Arrangement.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

#### PUBLIC ACCESS TO OPEN SPACE

34. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

#### CRIME PREVENTATION

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

Reason; In the interest of security and crime prevention

#### EXTERNAL APPEARANCE

36. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

#### AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation)

37. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.

The calculation should include:

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions

Factor Toolkit];

- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);

- The result should be totalled for a five year period to enable mitigation implementation.

- The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs] The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

- No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. [The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.*]

Reason: to ensure the impact of the proposal upon air quality is mitigated.

INFORMATIVES:

#### 37. Construction

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

#### 38. Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

#### 39. Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

#### 40. Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

#### 41. Waste to be taken off site

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

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

42. The reserved matters must be reported back to the Planning Committee for consideration rather than dealt with under delegated powers.

Case Officer: Tim Chapman