

Crabtree And Crabtree (Bearsted) Limited
C/O Hobbs Parker Property Consultants
Romney House
Monument Way
Orbital Park
Ashford
Kent
TN24 0HB



20 March 2018

PLANNING DECISION NOTICE

APPLICANT:	Crabtree And Crabtree (bearsted) Limited
DEVELOPMENT TYPE:	Small Major Dwellings
APPLICATION REFERENCE:	14/506738/OUT
PROPOSAL:	Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed)
ADDRESS:	Land At Barty Farm Roundwell Bearsted Kent ME14 4HN

The Council hereby **GRANTS** OUTLINE planning permission subject to the following Condition(s):

- (1) No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
- a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

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.

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

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.gov.uk

- (2) The development hereby permitted shall be begun before the expiration of two years from the date 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.

- (3) Prior to any dwelling hereby permitted being constructed to slab 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 carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development

- (4) Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments shall be 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 or as agreed by the Local Planning Authority and retained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (5) Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

- (6) No external lighting equipment shall be placed or erected within the site until details of such equipment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

- (7) (A) Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides 1.05 hectares of useable open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.

(B)The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21and specifically address the need to provide:

- o Reinforced and new tree belt along the southern boundary of the site.
- o New hedgerow and tree planting along the northern boundary (M20 motorway).
- o Tree and hedge planting throughout the site.
- o Area of semi-natural open space along the southern boundary.
- o Swales and balancing ponds.
- o Reinforced tree and hedgerow planting along the eastern and western boundaries.
- o Naturalistic boundary along Water Lane

(C) The approved scheme shall be fully implemented prior to the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner; any seeding or turfing which fails to establish or any trees or plants which, within 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.

- (9) Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

- (10) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations' and in strict compliance with the Draft Arboricultural Method Statement by Chartwell Tree Consultants Ltd dated 9 March 2016. No equipment, machinery or materials shall

be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

- (11) Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

- (12) Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

- (13) The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

- (14) (A) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority;

(B) In addition to 'A' above, the details shall show the provision of a LAP within the open space, how this to be equipped and accord with the provisions above. The approved details shall be fully implemented prior to 50th occupation of the residential units.

Reason: In the interests of adequate open space provision and visual amenity.

- (15) The details submitted pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

- (16) There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and highway authorities.

(A) Full details shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried out before occupation unless otherwise agreed in writing with the Local Planning Authority.

(B) The approved visibility splays within the S278 scheme shall be retained at all times.

Reason: In the interests of highway safety.

- (17) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

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

- (18) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- (i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- (19) The development shall not commence until details of foul and surface water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of water pollution

- (20) No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable

Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- (21) Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

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

Reason: To protect vulnerable groundwater resources and source protection zones.

- (23) The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:

- (i) Removal, cleaning and reuse of existing brickwork;
- (ii) Submission of sample replacement bricks where necessary;
- (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

Reason: To ensure appropriate materials and protection of the character of the wall.

- (24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted shall take place on the site without the prior written consent of the Local Planning Authority;

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

- (25) Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds and the mitigation strategy shall be implemented.

Reason: In the interests of Biodiversity.

- (26) Prior to occupation of the first dwelling a scheme for the installation of a piece of public art shall be submitted to the local planning authority for approval. The approved scheme shall be undertaken in accordance with the details and provided on site before the last unit is occupied.

Reason: In recognition of the local history in Bearsted and to provide a sense of place to the development.

- (27) The recommendations set out in the acoustic report by Peter Moore Acoustics ref 141101/1 shall be fully adhered to. Prior to occupation of the dwellings written evidence shall be submitted that the recommendations have been incorporated within the development.

Reason: In the interests of providing a satisfactory environment for future occupants

- (28) Details of a scheme to provide sources of renewable energy including solar power and where practical publicly accessible EV charging points, shall be submitted to the LPA with the application for approval of reserved matters and the approved details shall be implemented before the development is first occupied

Reason: In the interests of the environment.

- (29) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence to show that no contamination was discovered should be included.

Reason: In the interests of protecting future occupants from contamination.

- (30) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.
The code shall include:

- o An indicative programme for carrying out the works
- o Measures to minimise the production of dust on the site(s)
- o Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- o Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- o Design and provision of site hoardings
- o Management of traffic visiting the site(s) including temporary parking or holding areas
- o Provision of off road parking for all site operatives
- o Measures to prevent the transfer of mud and extraneous material onto the public highway
- o Measures to manage the production of waste and to maximise the re-use of materials
- o Measures to minimise the potential for pollution of groundwater and surface water
- o The location and design of site office(s) and storage compounds
- o The location of temporary vehicle access points to the site(s) during the construction works
- o The arrangements for public consultation and liaison during the construction works

Reason: In order to ensure the impact of the construction works are minimised in the locality.

- (31) The development hereby permitted shall be carried out in accordance with the following approved documents:

- o Drawing no.s: 475-108A; 475-112; 475-115; 475-116; 475-123; 475-125 A; 475-127A; 2527-21b; 2527-20 Rev D; site location plan; 2527-22A; Drawing No. 1460/001 Rev. B Landscape Plan; 2527-03H; 2527-16 - Barty House Proposed Landscaping,; 2527-04C; 2527-05C; 2527-06B; 2527-16- "Boundary Wall Demolition Plan"

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2015, Arboricultural Method Statement 9 March 2016, Transport Assessment Addendum December 2016; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason: To ensure the development is undertaken satisfactorily.

Please note you must comply with all the conditions attached to this permission. Otherwise the permission may not be valid and any development may be unauthorised.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.