

REFERENCE NO - 18/500346/FULL

APPLICATION PROPOSAL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works.

ADDRESS Lordswood Urban Extension Gleamingwood Drive Lordswood Kent

SUMMARY OF REASONS FOR RECOMMENDATION

The impact of the extra 26 units on the key issues of the countryside location and the loss of Ancient Woodland stay largely the same and in this case, the access road is narrower slightly allowing more of Ancient Woodland to be retained including more separation from 2 important trees.

The design of the dwellings and the overall layout complies with the need for good design that is enshrined in Policies DM1 and DM30 of the Local Plan.

Considering landscape matters which relates to their individual value (a policy stance which has not changed in the new NPPF), the impact of the development on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood.

There is planning harm that cannot be mitigated is the countryside location and the impact on Ancient Woodland.

However, there are 3 key areas which outweigh the harm and justify the granting of planning permission.

There is an extant planning permission granted on appeal for 89 houses which is a realistic and genuine fall back position and could be progressed by the submission of reserved matters application before 30 November 2018.

The scheme complies with the Government's definition of sustainable development as defined in the new NPPF. It is in a relatively sustainable location in environmental terms and the social and economic benefits of the new housing would be significant, especially regarding the increased in the stock of the offer of affordable housing: 32 units of social rent and 14 units of shared ownership.

The site has an existing planning permission for 89 units which is part of the Council's "windfall" housing supply. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application within the same red line envelope as the appeal decision therefore adds to the "windfall" contribution from this site by 26 units without taking up any more land.

REASON FOR REFERRAL TO COMMITTEE

Called into Committee by Boxley PC and contrary to their views

WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT McCulloch Homes And Palm Developments Limited AGENT Tetlow King
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		Planning
TARGET DECISION DATE 12/07/18	PUBLICITY EXPIRY DATE 03/08/18	

Relevant Planning History

15/503359/OUT

Outline application with all matters reserved for residential development (approx. 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

Appeal Allowed Decision Date: 30.11.2015

13/1797

Outline application with all matters reserved to develop the site for residential (approximately 89 dwellings) with open space, access road and biomass heating plant as shown on drawing no: PL001 Rev 11, PL002 Rev 11 and PL003 Rev 11, Refused Decision Date: 23.04.2014

13/1587 Request for Screening Opinion - Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Environmental Impact Assessment Not Req. Decision Date: 03.10.2013

TPO Woodland Order No: 5007/2015/TPO dated the 7th August 2015

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is close to the Medway Council district. It is outside the urban confines of Lordswood and is thus in the countryside. It comprises an area of 4.28ha mainly being 2 fields in open agricultural land with some Ancient Woodland.
- 1.02 It is sited to the east of Lordswood, a residential area that spans the Borough boundaries and was developed in the 1960s and 70s. The red line application site includes a main access through the woodland to Gleamingwood Drive plus land needed either side for visibility splays and also an emergency access to the south to Westfield Sole Road and a non-vehicular link to the northernmost extent (Sindals Lane).
- 1.03 To the east, the site is bounded by Sindals Lane, an unmade track, to the North by Roots Wood and the site of Gibraltar Farm. Gibraltar Farm has an outline planning application recently allowed on appeal for the second time (and thus effectively renewed) for up to 450 homes.
- 1.04 The M2 motorway forms a boundary to the southern edge of Lordswood and separates it from Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.05 The site has been used for horse related purposes in the past and is mainly 2 fields. They are separated visually from open agricultural land to

the east and south by a small bund planted with a mixture of deciduous trees and an inner row of mature coniferous trees.

- 1.06 Gleamingwood Drive follows the perimeter of the built up area and on its eastern side is lined with mature trees designated as Ancient Woodland owned by the applicant. This adjoining woodland is known as Reeds Croft and Cowbeck Woods and has an area of approx. 7 ha. These two woodland parcels are believed to have remained more or less continuously wooded since at least 1600, although part of Reeds Croft Wood was replanted in the 19th or 20th Century, in part for softwoods and in part for commercial sweet chestnut coppice.
- 1.07 The new access road would be created through the Ancient Woodland from Gleamingwood Drive and another section of roadway through Ancient Woodland would link the 2 fields. The housing units themselves and a landscaped buffer area would be entirely contained within the open fields sections of the application site.
- 1.08 The site lies on the edge of countryside which forms a gap between Lordswood and Hempstead to the east, but the gap between these settlements has no specific landscape policy protection. It does fall within the Local Landscape Character Type of "Dry Valleys and Downs" and the "Bredhurst and Stockbury Downs Landscape Character Area" in the Maidstone Landscape Character Assessment of 2012, as amended in 2013. The Ancient Woodland within the site is acknowledged to have been maintained by coppicing in the past but there is currently no active management.
- 1.09 A public right of way runs along the NE boundary (PROW KH37). The Ancient Woodland forms a strong visual barrier between suburban development and open farmland. The woods themselves do not have a PROW through them but there are informal paths and hence there is some informal use of the application site and the adjacent wooded area for recreation such as dog walking.

2. PROPOSAL

- 2.01 The scheme is for 115 dwellings, an increase of 26 dwellings over that approved in the outline appeal scheme, approx. 27 dwellings per hectare. Generally the new houses are detached and semi detached with a few terraces. They are mainly 2 storeys but there are some 2.5 storey dwellings, the latter have eaves heights of 7m and ridge heights of 10.5m. The mix is 2, 3 and 4 bed properties. There are to be 46 affordable units comprising; 12 x 2 bed; 31 x 3 bed; 3 x 4 bed. Of these, 32 units (70%) will be social rented and 14 (30%) will be shared ownership.
- 2.02 In the centre of the site is a triangular open space indicated to include a Locally Equipped Area for Play (LEAP).
- 2.03 In terms of renewable and low carbon design, the applicants state that the new development has been designed to meet best practice criteria relating to sustainable design and the scheme incorporates a number of energy efficiency measures such as passive solar design and orientation,

- high quality roof, wall and floor insulation, air tightness and the use of energy efficient appliances and lighting throughout the development.
- 2.04 A palette of traditional materials is proposed which are intended to compliment the proposed contemporary external appearance. They consist of Cambridge dark weathered brick, profiled Larch cladding Black stained profiled Larch cladding; Marley artificial slate; Black rainwater goods Joinery: pale grey aluminium windows and doors.
- 2.05 The perimeter is predominately surrounded by trees. Parking areas and communal areas which are publicly accessible are generally overlooked by adjacent dwellings providing a natural surveillance. Footpaths are intended to be visually open, and have clear intended routes to encourage their use.
- 2.06 Street lighting will be introduced for all public routes, to consist of energy efficient LED luminaires with no up lighting to minimise light spillage.
- 2.07 A comprehensive ecological appraisal in support of the application addresses biodiversity and the ancient woodland. Most affected woodland areas are overstood coppice with low bat roosting potential so the risk to roosting bats is relatively low. The report also concludes that the existing woodland is of relatively poor quality for the majority of specialist woodland birds. The 2 reptile species found are both relatively common in Kent (slow-worm and common lizard).
- 2.08 An objective of this application is the need to find a vehicular access route through Reeds Croft Wood having the least impact on the Ancient Woodland. The application has therefore been accompanied by a detailed route plan based on a precise survey of trees forming part of the Ancient Woodland.
- 2.09 The carriageway will have a gradual bend and a narrowing chicane intended to result in minimal loss of trees and coppice stools all of which have been the subject of a detailed survey. Specifically, the tree survey states that the route will require the loss of smaller trees, such as some of the birch and chestnut and some of the weaker birch and beech. Revision to the roadway, narrowing by approx. 2m where it passes tree group 36, has reduced the impact and enabled a further tree in the group to be retained.
- 2.10 Overall the Tree Report submitted concludes that the proposed development results in the loss of very few trees. Most trees being lost are those of low quality and value. The impact on trees is not materially altered from that already deemed acceptable and allowed at appeal.
- 2.11 A landscape visual impact assessment states that the proposed new scheme will have no greater visual impact on the landscape setting than the approved appeal scheme despite the increase in unit numbers.
- 2.12 As with the scheme allowed on appeal, the development would have a single access from Gleamingwood Drive, with a secondary emergency access onto Westfield Sole Road using an existing entry point. Westfield Sole Road is narrow with passing points at regular intervals but no pedestrian access so is not promoted as a main access.

- 2.13 Trip forecasts to determine the impacts on the surrounding highway network have been updated due to the increase in number of proposed dwellings on the site, and have also factored in recent approvals that may affect highway capacity. The assessment concludes that the proposed development is in a sustainable location with respect to local facilities and public transport, whilst its impact on the local highway network is minimal.
- 2.14 Following comments from KCC as the Local Highway Authority, changes have been made such as the relocation of the proposed crossing point at the site access junction with Gleamingwood Drive in order to tie in with existing provision and to avoid the loss of the first section of existing parking layby on the opposite side of the road.
- 2.15 In response to KCC concerns about the need for off site highway improvements at Gleamingwood Drive/Lordswood Lane Junction, the applicant's consultants have suggested an alternative scheme: partial widening on the eastern side of Lordswood Lane and where the footway and verge is at a comparable level to the carriageway, to reduce queuing, to address the existing overrunning of the verges which already occurs on the northbound Lordswood Lane and on the left turn radius from Gleamingwood Drive. Works to the splitter islands and white lining of Round Wood roundabout have been agreed with KCC.
- 2.16 In addition to the network of woodland walks, the proposed development benefits from an accessible pedestrian footpath, which provides access from Gleamingwood Drive to all units and sections for a circular footpath along the site's perimeter.
- 2.17 The landscape masterplan proposes
- Retention, protection and positive management of important landscape features
 - Removal of the conifer tree belt
 - Retention and enhancement of existing hedgerow along Westfield Sole Road and creation of a 10m tree/scrub buffer;
 - Creation of a 15m buffer to the Ancient Woodland
 - creation of areas of public open space and amenity areas
 - informal green linear recreational route around the proposed development;
 - landscape/ecological management/enhancement of the site and woodland adjacent
 - Creation of a new footpath link to Gleamingwood Drive.
- 2.18 The scheme includes provision of policy compliant onsite affordable housing.
- 2.19 Foul drainage is intended to connect to the Mains sewer and surface water to soakaway as part of SuDs scheme.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF 2018)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 (MBLP) SS1; SP17; SP19; SP20; SP23;
DM1; DM3; DM6; DM8; DM12; DM19; DM20; DM21; DM23; DM30; H1; ID1
Supplementary Planning Documents: Air Quality; Public Art.

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 48 objections received from local residents raising the following (summarised) issues

- Woodland Trust: strongly objects due to the loss of and damage to Ancient Woodland; contravenes national and local planning policy and flies in the face of the government's intention to better protect Ancient Woodland from inappropriate development; needs a minimum 30m buffer and alternative routes for the access road and link road.
- This site has not been identified as a housing allocation site in the Maidstone Borough Council
- Road fatalities in the area
- 115, from the original 89, is too many extra houses
- many of the surveys, transport etc are out of date
- approval gets given and as this has set a precedent - plans change and
- Pleased with the biomass plant removal
- This build is coupled with the Gibraltar Farm build next door of 450 homes – overall impact should be assessed
- Local residents not given opportunity to attend meetings
- Other sites should be developed with less of an impact.
- proposed entrance is on an already tight and dangerous bend that buses cannot pass cars
- Junction will be an accident blackspot.
- Needs significant improvements to Gleamingwood Drive
- access to the site should be via Westfield Sole Road to A2
- emergency exit onto Westfield Sole Road is unsuitable for that purpose since it exits onto a narrow country lane
- needs new slip roads on and off of the A2 and peak time traffic lights at the roundabout

- improve the cycle lane
- improve bus infrastructure
- fire risk of the new houses
- inadequate parking
- needs a suitable pedestrian crossing
- should not result in less layby parking outside the site
- impact on overstretched GP Surgeries and local secondary schools, a new doctors surgery is needed
- Loss of ancient woodland is unnecessary, will suffer damage by resident using it as a short cut or for recreation.
- Identity of the area should remain characterised by Woods.
- harm to wildlife- Some species not listed in the ecology report
- loss of natural barrier against sound/fumes/smells/cross winds
- loss of privacy and views
- parking on Gleamingwood Drive makes the road dangerous- too narrow and unsafe by blind spots
- roads impassable when heavy snow
- loss of green wedge into the urban area when brownfield sites or empty properties in urban areas exist
- harms the local beauty of the area
- should pay a levy to Medway Council
- access should be from Maidstone not Medway
- need to take notice of the views of the residents
- Only a few Lordswood residents who come under Maidstone Council were informed of this build and then, at a very late stage in the planning process.
- headlight nuisance at new junction, affecting sleep
- unsustainable, allow the sprawl of London to increase into Kent
- South east is overheated and overcrowded
- Affordable homes are not necessary- just upsizing.
- merging of urban areas
- concrete will affect surface water drainage
- opens up the woods for more development

- loss of biomass boiler nullifies the Inspectors approval
- not enough parking at local shops
- noise during construction
- huge amount of housing going up in this part of Kent
- profiteering
- Travel Plan will not make any difference
- Sewers will not cope
- Commuting misery to our already overcrowded trains and coaches.
- Bus routes only serve Chatham station during the morning and evening peak.
- Water which is already in seriously short supply during periods of drought
- on the edge of the Kent Downs AONB and is an area of Local Landscape Importance
- the development did not get declared on legal searches
- devaluation of house prices
- Teenagers and young adults with cars will stay at home as cannot afford to move out so will park in Lordswood roads necessitating permits.
- Shameful that views of every person who lives in the area ignored by local council and Government

Ward and Medway Council Members

- previous application was only allowed on appeal
- a negative impact upon local residents from the increase in numbers of dwellings
- overdevelopment
- detrimental impact on the quality of life during construction period and also when finally built out
- Junction 3 of the M2 is already beyond capacity and 300 hundred more cars will have an enormous impact
- The traffic now is much heavier than when the original application was submitted
- The impact on local schools, doctors and dentist will have an impact on an area already over developed, and all this area is served by Medway Hospital a hospital already very overstretched.

- Boxley Parish Council has thoroughly covered all the relevant reasons why this application should be refused.

Local MP (Tracey Crouch)

- impact on the local area from increasing number of dwellings
- pressure on local infrastructure, services and roads
- Nearby application for 450 dwellings has been granted on appeal.
- concerns about the scale of housebuilding taking place in the area a

5. 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)

5.01 Boxley PC- Strongly objects

- a greenfield site is inherently unsustainable
- incongruous urbanisation into the countryside
- Planning Inspector was heavily swayed by the inclusion of a sustainable bio-mass
- MBC now has a 5-year housing
- Poorly related to the existing built up urban area.
- visual impact
- main access creates significant gaps in the woodland- harm to the street scene and loss of visual amenity
- direct loss of Ancient Woodland
- loss of connectivity for Dormice and bats
- harm to wildlife habitat from lighting, activity, recreational use
- loss buffer zone to the rural strategic gap
- Harms setting of the North Downs AONB and its landscape and scenic beauty.
- light and noise pollution
- loss or deterioration of irreplaceable habitat and aged veteran trees
- selling coppiced wood would require additional road traffic movements,
- the applicant is exploring how to get volunteers involved suggests that the funding of future woodland management is not robust
- inadequate car parking

- Inadequate Travel Plan: unmaintainable, unfunded
- Unlikely to get an on-site LEAP managed by MBC
- No sustainable inclusive and mixed communities
- inadequate public transport or cycling routes
- Over 500m from the nearest stop through a wooded area
- Local sewer network inadequate
- Unsafe access
- Outdated 2013 traffic count statistics
- M2 junction 3 is beyond its design capacity.
- proposed Lower Thames Crossing is expected to increase local road usage
- inadequate local medical services
- air pollution
- no consultation took place with the community
- 106 payments are requested for: Highway junction improvements; the local parish council hall; that the bike routes are linked.

5.02 Additional objections on revised plans: the junction improvement of the left hand lane of Gleamingwood Drive, for drivers turning left into Lordswood Lane, is not included and it is unlikely to be financed by the Gibraltar Farm development. Concern that the proposed improvement on Lordswood Lane will be insufficient in width and length especially as the junction is extensively used by HGVs. Insufficient parking spaces, All road surfaces should be permeable to allow rain water to be captured over a larger area as possible; The Green Travel Plan is not achievable and not enforceable; KCC's Consultee Comment – The cycle path does not continue along Gleaming Wood Drive (past the Industrial Estate) to the Lords Wood Lane junction - a cycle route from the development to the Lords Wood Lane junction is needed. KCC response falls short on the impact of the development on Jct3 of the M2 and associated roundabouts, Walderslade Woods and local highway infrastructure.

5.03 Medway Council: No objection subject to a Section 106 Agreement to secure the following developer's contributions:

- Nursery School Expansion: £105,248.00 and Primary School Expansion: £258,336.00 at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
- Secondary School Expansion: £68,770.00 at Holcombe Grammar School
- £80,070.00 towards the provision of open space locally

- Appropriately worded conditions pertaining to access arrangement, lighting, submission of a Construction Environmental Management Plan to ensure that mud is not brought on to the highway and the hours of the construction would not be detrimental to the amenities of the local residents.
- 5.04 Medway CCG- Funding sought of £53814.25 towards running a Minor Illness Clinic in Lordswood.
- 5.05 KCC Education: KCC schools could not accommodate the increased pupil demand for both Primary and Secondary provision. Medway Council's confirmation needed that schools within that area can accommodate the additional demand or will be expanded to do so.
- 5.06 Environment Agency- a low environmental risk. The applicant may be required to apply to the EA for other consents, permissions or licenses.
- 5.07 Forestry Commission- refer to standing advice and in the wider planning context the Forestry Commission encourages local authorities to consider the role of trees in delivering planning objectives. For instance through the inclusion of green infrastructure (including trees and woodland) in and around new development; and the use of locally sourced wood in construction and as a sustainable, carbon lean fuel.
- 5.08 Natural England: proposal is unlikely to affect any statutorily protected sites. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.
- 5.09 Natural England has published Standing Advice on protected species and Ancient Woodland.
- 5.10 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community.
- 5.11 KCC Ecology objection: direct loss of Ancient Woodland through the creation of two access roads to facilitate the development that will result in a loss of connectivity throughout the site.
- Reduction in the area of other semi-natural habitat adjoining the woodland though the proposed 15metre buffer could provide similar benefits if it is established and managed appropriately.
 - Disturbance to species present within the Ancient Woodland including breeding birds, dormice and bats.
 - Increase in recreation within the woodland, trampling of the ground flora and a disturbance to protected species within the site.

- Lighting scheme could be developed to minimise the impact but impact cannot be avoided completely.
 - fly tipping/Garden encroachment:
 - Translocation of the soils from the proposed road ways can enable the seedbank to be retained active
 - Needs management of the woodland for the lifetime of the development, regardless of whether the proposed works are economically viable.
 - A minimum of a 15 metre woodland buffer along the boundary of the woodland must be created and managed appropriately as per the current NE Standing Advice.
 - Protected Species surveys were carried out in 2013 but the results are likely to still be valid but there will be a need for updated species surveys for detailed mitigation strategies and any EPS licence applications. Consider management on the grassland fields for suitable reptile habitat. 5 species of bats are foraging within the site mainly along the woodland boundaries and hedgerows which should be retained within the proposed development.
 - Detailed lighting strategy must demonstrate that there will be minimal light spill in to the open/natural spaces.
 - Dormice have been recorded within the Ancient Woodland and the proposed development site so the canopy should be retained across the access road.
- 5.12 KCC Archaeology- The site lies within a general broad area of prehistoric and Roman archaeological potential requiring a programme of archaeological work.
- 5.13 KCC (PROW)- Public Rights of Way KH37 restricted byway runs along the eastern boundary of the site and should not affect the application
- 5.14 KCC (Drainage) - No objection subject to a condition for a sustainable surface water drainage scheme with additional ground investigation carried out in relevant locations across the site to support the use of infiltration: soakage tests are compliant with BRE 365, a modified infiltrate rate and any soakaway with an appropriate half drain time.
- 5.15 UKPN: 33KV overhead network crosses the land so steps must be taken to ensure their safety when working near the overhead network.
- 5.16 KCC (Highways and Transportation): A new priority T-junction onto Gleamingwood Drive that will be positioned at the south western end of the site is consistent with 15/503359, with the alignment influenced by the need to minimise loss of trees. At least one of the footways should be widened to form a shared footway/cycleway, commensurate with the larger scale of development and consistent with that on Gleamingwood Drive. The TA needs details such as the location, date or number of readings. Visibility sightlines of 2.4m x 43m are required due to the 30

mph speed limit on Gleamingwood Drive. Sightlines should be perpendicular to the kerblines. Swept path analysis has been provided - the turning manoeuvres of refuse vehicles can be accommodated. To the south west the new 2m wide footway will provide connectivity to the existing nearby bus stop. To the north east the 2m wide footway is shown to require the removal of several on-street parking spaces: prefer widening of the carriageway and the provision of a build-out to assist pedestrian crossing movements, which should be the subject of a Road Safety Audit. An emergency access is proposed onto Westfield Sole Road. This will need barrier control and improved visibility sightlines.

- 5.17 The TA highlights how the site is well-placed in relation to several key local facilities within Lordswood: local shops, primary/infant/junior schools, health centres, leisure centres and employment areas. Additional facilities are also available further afield at Walderslade and Hempstead Valley. Pedestrians and cyclists are assisted by the shared route that runs along Gleamingwood Drive to the west with connectivity to facilities in Lordswood and Walderslade. There is a dedicated pedestrian access at the northern end of the site providing a more direct route into Lordswood for residents within the northern part of the site.
- 5.18 There are bus stops on the Gleamingwood Drive/Clanton Road corridor. The development must be supported by bus stops with accessible waiting facilities for all passengers, ie. Raised kerbing for low floor access and dropped kerb/tactile paving to assist crossing pedestrians. These works should be secured as part of a S278 Agreement. There are bus links with scope for interchange with rail services at Chatham railway station.
- 5.19 The submitted Travel Plan has measures and initiatives proposed for the dissemination of travel information, overseen by a TP Co-ordinator, with a process of survey and review. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives. A fee of £5000 is required to fund KCC's review of monitoring reports and work with the TP Coordinator to achieve the objectives. This should be secured via a Section 106 Agreement.
- 5.20 The TA seeks to quantify the net change in traffic generation that could arise having regard to extant planning permission no.15/503359. This is a legitimate methodology if permission 15/503359 can be lawfully implemented. The trip generation forecasts indicate that the proposed development will generate up to 76 vehicle trips in each AM and PM peaks. The vehicle trip rates are identical to those applied within the TA that supported the 2015 application and have not been updated but there is no set rule against using an earlier version. In overall terms, the TA predicts a net increase of 17 vehicle trips in both the AM and PM peak periods which are modest in the context of the traffic flows already on the local network as a whole.
- 5.21 Trip Distribution: two thirds of trips being assumed to route to the west via Gleamingwood Drive and the Round Wood Roundabout. Over a third of all trips are assumed to route via Walderslade Woods (A2045) they have used traffic surveys undertaken in September 2013. This data is older

than 3 years and is not therefore representative of current conditions, affecting the robustness of the findings.

- 5.22 Road crash data (2012 – 2017) identified 14 incidents, of which one resulted in serious injury. None in the vicinity of the proposed site access. The assessment of traffic impact has included background traffic growth over the period to 2018 (current year) and 2023 (horizon year). Uncertain whether this includes the 450 dwellings at Gibraltar Farm (MC/14/2395) approved by the Secretary of State as recently as March 2017. Capacity modelling analysis has been undertaken for peak periods on the key junctions when the development will be fully occupied in 2023. The Lordswood Lane/ Gleamingwood Drive junction is predicted to operate over practical capacity during both peak periods in 2023. The additional traffic will result in a further worsening of operating conditions. The predicted 38 vehicles queuing northbound would be more likely to impede traffic flow at the Round Wood Roundabout. Concerned that traffic growth over the intervening period has reduced the available capacity at the junction. Require this impact to be mitigated.
- 5.23 At Round Wood Roundabout, the additional traffic will result in a further deterioration in operating conditions. The applicant should fully mitigate the impact of the development.
- 5.24 Proposed 253 car parking spaces include 23 visitor spaces which accord with requirements. Cycle parking is proposed in accordance with the minimum standards. Suitable carry distances for refuse can be achieved.
- 5.25 Southern Water- The exact position of the public water mains must be determined before the layout of the proposed development is finalised. The results of an initial desk top study indicate that cannot accommodate the pumped flow without additional local infrastructure. Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. Suggest condition for a drainage strategy for means of surface water drainage and foul disposal and an implementation timetable; need to ensure that arrangements exist for the long term maintenance of the SUDS facilities to avoid the inundation of the foul sewerage system. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. No habitable rooms should be located closer than 15m to the boundary of a proposed pumping station site. Southern Water can provide a water supply to the site. The proposed development would lie within a Source Protection Zone around a public water supply sources.
- 5.26 Kent Police- (initial comments) Note section Secured By Design in the DAS, but significant concerns about the amount and type of permeability/footpaths provided through the parking court and general lack of natural and informal surveillance, particularly from active rooms, use of some blank elevations; Recessed front doors; Door sets and windows, should be certified to PAS24:2016.
- 5.27 (Comments on revisions): Having reviewed the on line amended plans and documentation, we note the changes to the proposed site plan and the inclusion of recommendations made from a CPTED aspect

5.28 Environmental Protection

- The proposed development is not in an Air Quality Management Area, and unlikely to be an issue for the new residents. However, any air quality impact for existing residents would need to be properly mitigated.
- The site does not appear on our database as being potentially contaminated.
- The main potential noise source would be the M2: the external noise levels in back garden and other relevant amenity areas should conform to the standard identified by BS 8233 2014
- One EV Charging Points 1 Publically accessible EV "rapid charge" point (of 22kW or faster) should be provided per 10 residential dwellings (where no dedicated off-street parking is provided). Ideally any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where not practicable, contribution towards installation at nearby locations should be considered.

5.29 Parks and Open Space- There is some scope for Open Space to be included on-site.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development and the Allowed Appeal
- Environmental Sustainability
 - Ancient Woodland and Ecology
- Landscape Impact
- Design and Layout
- Traffic and Highways
- Developer Contributions

Principle of Development and the Allowed Appeal

6.02 Since the appeal decision, there is an adopted Local Plan and a 5 year housing land supply (6.5 years). The improved housing supply gives more weight to the countryside protection policy SP17.

6.03 Adopted Policy SP17 of the MBLP defines the countryside as outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

- 6.04 By letter dated 30 November 2015 (following a Public Inquiry in October 2015) an Inspector granted outline planning permission (15/503359/OUT) on an identical site for residential development of up to 89 dwellings plus open space, biomass plant and access road from Gleamingwood Drive (plus emergency access to Westfield Sole Road).
- 6.05 That appeal decision is an extant planning permission that is a material consideration in that it provides a "fall back" position: a genuinely realistic alternative development opportunity. The planning permission granted in that appeal decision requires details of access, appearance, landscaping, layout, and scale all to be submitted before 30 November 2018. Once the last of the reserved matters were to be approved, the developer would have a further 2 years to implement. The implementation target date is therefore not established as yet because it depends on an as yet unknown timeframe (being the time taken to approve the reserved matters applications). The reserved matters submission would be expected to include the biomass boiler as a key component of that outline consent but not one in this current application. However, that in itself would not necessarily affect the ability of the applicant to argue a genuine fall-back position in terms of the 2015 scheme. That scheme established the principle for development of this countryside site with housing and creating an access with its consequent impacts upon the Ancient Woodland.
- 6.06 The appeal decision was subject to a section 106 Unilateral Undertaking (UU) which, inter alia, included a commitment to submit a scheme to secure the biomass boiler. However, the time trigger for that is before implementation which, as mentioned above, is a date that has not been established. Hence there are no commitments in the UU that prevent the "fall back position" being a genuinely realistic one.
- 6.07 At the time the allowed appeal was determined, there was a shortfall in a 5 year housing supply in the Borough and that meant that key policies that restricted housing in terms of location were judged to be out of date, ie countryside protection policy.
- 6.08 The Inspector did acknowledge that the site was outside the development boundary in an area appreciated and enjoyed as countryside. However, he judged that there had been no recognition by the Borough Council of any balance to be struck in assessing the merits of development and the site did not warrant landscape protection based on objective landscape character assessment.
- 6.09 The Inspector regretted the loss of some trees and soil under the access roads. Nonetheless, he placed weight on that less than 2% of Ancient Woodland on the site would be removed to provide the access and said the harm was outweighed by the benefits of management to the overall area of Ancient Woodland. He said that where necessary, roots could be bridged to ensure that trees could continue to thrive. Some coppice stools would need to be relocated and that was to be ensured by means of a suitable planning condition.
- 6.10 The Inspector formed the view that as the Ancient Woodland had not been managed for a considerable time, selective coppicing and felling on a

rotational basis would be beneficial for its long term health and future biodiversity. That the products of woodland management would be used in a biomass installation (serving a small number of the houses) was mentioned by the Inspector as a sustainability benefit.

- 6.11 The Inspector said that tree screening would largely conceal housing from the south and east, even in winter. He considered it to be a natural extension of existing development of the Medway conurbation.
- 6.12 Therefore much importance was given to the Ancient Woodland being managed and maintained, the low density of 21 dwellings per hectare (dph) and that access through the woodland facing Gleamingwood Drive and a footway along a small part of that road, would not seriously compromise the perception of the woodland as an attractive feature.
- 6.13 A signed and dated S106 UU covered various community/education contributions; affordable housing; a Woodland Management Plan; a Biomass Energy Delivery Plan.
- 6.14 Overall, he decided to allow the appeal which is therefore still an extant outline planning permission, a genuine fall back position and thus is a material consideration of significant weight when determining this planning application.

Environmental Sustainability

- 6.15 Paragraph 8 of the NPPF details that achieving sustainable development means three overarching objectives, which are interdependent: economic, social and environmental.
- 6.16 The NPPF requires in paragraph 9 that planning decisions should play an active role in guiding development towards sustainable solutions but should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 11 states that permission should be granted where there are no relevant development plan policies, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.17 The site lies close to the built up area of Medway. Lordswood offers a wide range of facilities and services including employment, shops, pubs, schools, library and primary care medical facilities. There is adequate scope to cycle or walk to local facilities or to take public transport including bus connections to Chatham Train Station or commuter coaches that serve London.
- 6.18 It is considered that development is environmentally sustainable.

Ancient Woodland and Ecology

- 6.19 Policy DM3 of the Local Plan requires new development to protect and enhance the natural environment by incorporating measures where appropriate to protect areas of Ancient Woodland and to enhance, extend

and connect fragmented Ancient Woodland; supporting opportunities to enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise.

- 6.20 The ecological appraisal undertaken continues to acknowledge the importance of the site as Ancient Woodland having high habitat and nature conservation value. The wood has nevertheless been subject to damage due to informal recreational use with a number of informal footpaths running through it and being well used by local dog walkers. Reference is made to various hedgerows also having high nature conservation value with the survey identifying the presence of badgers, numerous bird species, slow worms and common lizard, bats and dormice.
- 6.21 Ancient Woodland is irreplaceable and an important ecological resource. The Standing Advice for Ancient Woodland and Veteran Trees published by Natural England and the Forestry Commission sets out aims in relation to Ancient Woodland and veteran trees: this resource is an irreplaceable biological and cultural asset that needs protection and maintenance, and improvement in the condition of the UK's tree and woodland resource needs sensitive sustainable management.
- 6.22 Regarding direct loss of Ancient Woodland from the application proposal, the main site access route and that providing access between the north and south housing parcels follow routes to minimise tree loss though of course this is still significant and has implications beyond the actual footprint of the roads for reasons stated in the representations. In addition to the long term impact of creating permanent roadways through the Ancient Woodland, there may be trees lost on the line of the roadways due to the construction process. The concern is that root systems are disturbed or damaged making their retention unviable or becoming unstable and a hazard to road users and pedestrians. This effect is ongoing for future regenerating woodland, which will need to be managed so that it does not present a hazard to road users. There are long term ecological implications to permanently fragmenting woodland: less viable, as populations are less able to move freely; more disturbance from traffic noise, vehicle emissions, road lighting, lack of a buffer zone (contrary to the recommended 15m minimum in standing advice).
- 6.23 The main impact on the Ancient Woodland remains the creation of a bellmouth with visibility splays onto Gleamingwood Drive with the access road having a width of just under 8 metres where it enters the woodland continuing in a broadly straight line of 5.1m width with a 2.3m wide footpath /cycleway on its southern edge for just under 100 metres before emerging from the designated extent to the AW and turning to the north. A narrowed chicane has been added in this scheme between the 2 most important trees in this stretch of roadway so that the extent of

engineering is reduced giving a lessened impact on their Root Protection Zones. This chicane will also assist traffic calming and provide a gateway into the development.

- 6.24 The access has been revised to be narrower and so there is less impact on the Ancient Woodland. However, it cannot be denied that road will still create a significant gap in the otherwise currently largely unbroken aspect provided by the existing woodland and an adopted road and junction would inevitably urbanise and appear out of character in the existing wooded frontage. The fragmentation of the Ancient Woodland, the loss of ecological connectivity and the lack of a recommended 15m buffer between the new Road and the Ancient Woodland means the impact is greater still. There are knock on implications of reducing the area of other semi-natural habitats adjoining the woodland resulting in a negative impact on the bio diversity of the woodland.
- 6.25 A second section of the AW will be removed in order to between the northern and southern housing parcels. This is said to have been based on a detailed survey and the tree report states that it involves removal of smaller trees that are of little consequence to the woodland overall.
- 6.26 This is a lesser section of about 60m wide with an access road through it. The fragmentation of the Ancient Woodland at this part of the site and the lack of a recommended 15m buffer between the new Road and the Ancient Woodland could be argued to be relatively less harmful because this part is already more peripheral to the main Ancient Woodland. However, there is still a loss of habitat overall and ecological connectivity.
- 6.27 The applicant has committed that any soil forming part of the Ancient Woodland lying beneath the line of the proposed roads would be removed and translocated elsewhere on the site as compensatory measure.
- 6.28 The applicants have continued to offer a management scheme to ensure that there will always be a belt of uncoppiced woodland between the proposed development and houses on the opposite side of Gleamingwood Drive. The applicant also refers to the screening effect of the 15m wide buffer zone that will be in place irrespective of coppicing and which will be planted up with natives species mix.
- 6.29 As detailed above, the Inspector was of the view that the appeal scheme was acceptable overall. However, that decision was made based on paragraph 118 of the NPPF 2012. It is therefore necessary to re-assess based on the change in emphasis in the recently published NPPF 2018 which can be interpreted as giving a level of extra weight to Ancient Woodland over that of the original NPPF.
- 6.30 Paragraph 118 of the now superseded NPPF stated:

planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

6.31 The new NPPF in paragraph 175 states:

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

6.32 Paragraph 170 requires Planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued sites of biodiversity and soils, recognising the wider benefits from natural capital and ecosystem services of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

6.33 Notwithstanding the proposed mitigation it is considered that the proposal will disturb protected species. It is also likely that the proposal will bring about an increase in harmful recreational use of the woodland, risk of predation by domestic cats and additional losses arising from perceived harm of having trees close to houses. There is also the likely harmful impact of artificial lighting along with the reasonable possibility of fly tipping, garden encroachment by houses directly backing onto the woodland buffer while increasing the risk of non-native species establishing within the woodland.

6.34 Given the likely direct harmful impacts still identified to the Ancient Woodland and wildlife within it and reasonably foreseeable and ongoing harmful additional impacts both to the woodland and the protected species identified above, it is considered that notwithstanding the proposed compensation/mitigation measures, the proposal will have a harmful impact on these interests. This harm will need to be balanced against material considerations that weigh in favour of the application. One of those would be the intended mitigation:

- A woodland management plan is proposed to improve and restore the remaining Ancient Woodland in terms of biological diversity.
- Retention of all existing hedgerows, dormouse and reptile translocation and new habitats either on or off site as appropriate.
- Non-native trees cleared and new native habitats created in their place (Site clearance would take place outside the bird nesting season with surveys undertaken beforehand to establish bat roost potential).

- In addition to informal access, the Ancient Woodland would be managed such that access to the more sensitive parts could be controlled.
- The 15m buffer zones around the housing areas would be planted up with a native species mix of a type and density to discourage access from the housing areas into the Ancient Woodland which would be supplemented by a post and rail fence within the buffer zone.
- In mitigation of the impact on bats and dormice, there would be selective felling and management to improve bats and dormice foraging and hibernation conditions for dormice and other protected species
- Trees abutting the proposed main site access road would have canopies to interlock and an artificial dormouse bridge.
- Lighting of the scheme would be designed to be sympathetic to foraging bats.
- log-piles to provide habitat for dead wood specialists
- roost and nest boxes
- retention of existing hedgerows on site
- coppice regime to benefit ground flora and improve structural diversity;
- selective removal of coniferous component
- remove and control any growth/re-growth of non-native species;
- manage sapling trees for growing on as future standards
- use wood chipping for paths to allow access through the woodland whilst controlling public access to ecologically sensitive areas through dense boundary vegetation/fencing/ use of brash hedging

Landscape Impact

6.35 Landscape: The adjacent woodland, fronts directly onto the development (the road) and the long term impact of this is likely to result in some deterioration. The long term impact of creating permanent roadways through ancient woodland is greater than the loss of individual trees for the width of the proposed roadway itself. Additional room is likely to be required for the construction itself. Future regenerating woodland will need to be managed so that it does not present a hazard to road users. Long term ecological implications by permanently fragmenting woodland. Smaller woodland units are less viable and subject to the resultant disturbance from traffic noise, vehicle emissions, road lighting, making the effective separation distance greater. If loss or damage is

unavoidable, conditions must be used to secure appropriate mitigation measures and (as a last resort) compensation measures.

- 6.36 The submitted arboricultural information consists of a tree survey, tree constraints plan and tree protection plan. Need information on the proposed 'no dig construction'. Further arboricultural information in accordance with BS5837: 2012 is required. In terms of the Indicative Landscape Masterplan, the principles are sound and the principles of the Landscape and Visual Impact Assessment appear to comply with current guidelines.
- 6.37 Policy DM30 for development in the countryside requires that impacts on the appearance and character of the landscape to be appropriately mitigated and assessed in a Landscape and Visual Impact Assessment.
- 6.38 As with the appeal decision, it is still the case that the application site has no designation of a landscape of local value in the current Local Plan albeit the Ancient Woodland designation is a valuable contributor to landscape quality.
- 6.39 Key characteristics of the landscape are a mixture of arable fields, paddocks, remnant orchards and small to medium blocks of woodland in an irregular pattern. The application site is within the north western corner which is outside the AONB (yet provides a setting to it) and includes large blocks of Walderslade suburbs in between woodland. The overall condition assessment is 'poor' for the whole Landscape Character Assessment (LCA) with moderate sensitivity; guidelines are to 'restore and improve' including avoiding further built development which is out of character in terms of materials and design; conserve the blocks of Ancient Woodland; restore and improve the woodlands by improving management within historical coppice and introducing greater structural diversity; and reduce overgrazing, removing rubbish and discouraging fly-tipping.
- 6.40 Clearly this application would not accord with the guidelines of the LCA as it introduces built development (albeit there is an attempt in the materials and design to be sensitive) nor would it conserve blocks of Ancient Woodland. However, it would give an opportunity to require improved woodland management by re-coppicing and introducing greater ecological diversity. However, it is necessary to bear in mind the views of the Inspector when he said that this specific site did not warrant landscape protection based on objective landscape character assessment. Essentially, this accords with other decisions from appeal Inspectors which have clarified that it is necessary to assess landscape harm on a site by site basis ie. Being in the countryside is not, in itself, an objective basis on which to assign landscape value.
- 6.41 The detailed Landscape and Visual Appraisal seeks to demonstrate that given the height of the proposed houses, existing woodland, proposed landscaping and landscape buffers and existing bunds, that the proposal will be well contained within the landscape.
- 6.42 The site is generally exposed to the open countryside spreading out towards Lidsing, Bredhurst and Hempstead. Parts of the site are visible from long range views currently. Regarding long range views to the site from the south and easterly directions from public vantage points,

abutting the site to the north east is Sindals Lane which is a PROW whilst there are further PROWs to the north east. Given the existence of the perimeter bund with planting on top, and existing planting, which it is intended will be reinforced, it is now difficult to argue that the development will significantly intrude into views from these directions.

- 6.43 The application sets out a number of landscape mitigation measures as follows being:
- The retention and protection of important landscape features abutting the site including the Ancient Woodland, perimeter hedgerows and trees and deciduous tree belts abutting the eastern and southern site boundaries.
 - Removal of alien conifer trees along the east and south site boundaries.
 - Enhancement of perimeter tree belts on east and south site boundaries and
- 6.44 There would be landscape screening augmentation of the existing mixed planting on the bunds with local tree species (eg Field Maple, Oak, Beech, Hornbeam, Wild Cherry) and the conifers removed. Hedge and scrub planting would be Field Maple, Hazel, Hawthorn, Holly and Spindle.
- 6.45 The level of screening that can be achieved means that it would not significantly affect the perception of a gap between settlements. Policy SS1 of the MBLP is thus not breached in that regard. Residential development would not appear out of character in the medium to long term in the landscape with this form of strategic landscaping being implemented
- 6.46 The application sites lies outside the identified built up area of Lordswood defined by the outer edge of Gleamingwood Drive. The developed areas of the application site are set, on average just over 100m back from the road with dense woodland intervening. It is accepted that it would be an isolated pocket of suburban development but that is because of the general need to site the housing units in the open fields and thus secure some protection of the Ancient Woodland.
- 6.47 Given the current height and depth of the intervening woodland fronting Gleamingwood Drive, which is mainly deciduous in nature, the trees, when in leaf and in daytime, are likely only to present glimpse views of the houses through the trees. This is considered to be similarly the case when viewing the site from Westfield Sole Road to the south and also to the east where there are existing planted bunds.
- 6.48 At night-time, it is likely that lights from, houses, street and car lights will still be evident through the trees from Gleamingwood Drive. In winter when the trees are not in leaf it is likely that the outline of houses will also be visible in addition to the impact of any street lighting. Given it is likely that rotational coppicing will take place both as part of woodland management, the screening effect of the woodland will be reduced.

- 6.49 However, bearing in mind the views expressed by the Inspector on landscape matters which relates to their individual value (a policy stance which has not changed in the new NPPF), the impact of the development on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood

Design and Layout

- 6.50 Policy DM 30 relates to design principles in the countryside and as this site is outside of the settlement boundaries, there is an expectation for high quality design in terms of the type, siting, materials and design, mass and scale of development.
- 6.51 The proposed indicative layout provides sufficient detail to demonstrate that the two housing parcels can be developed in a manner meeting the normal spacing, privacy, amenity space, parking and road layout standards. In addition the site will be developed at a density of 27 dph which is comparable to existing development fronting Gleamingwood Drive. It cannot meet the minimum recommended rural housing density in policy DM12 (30dph) due to constraints to provide mitigation such as the woodland buffer and the need for landscape screening on the perimeter and to respect the woodland setting.
- 6.52 It is therefore considered that the site has been well designed in terms of the style and layout to accommodate for this number of houses in an acceptable manner.
- 6.53 Regarding design, the details show contemporary two and 2.5 storey pitched roof (gabled/skillion/lean-to) housing which would be an attractive appearance with the use of materials of vernacular appearance eg extensive use of larch cladding. The slate grey colour to the roofs is sensitive to the locality in terms of reducing long range visual impact of the roofscape.
- 6.54 The scheme layout has been revised since originally submitted. There are a number of dual aspect house designs in corner locations. Corner plots will have large glazed feature bays that will add visual interest and help to break up side aspect of the buildings. The highway will meander through a series of plot configurations which will create separate neighbourhoods, intended to have their own individuality. The public open spaces have also been landscaped and there is screened parking being further distanced from them. These new layouts will provide better passive surveillance and are intended to respond to concern expressed in the Kent Police representation in terms of being 'Secured-by-design'. The scheme was amended to take on board concerns of the Police and a safer layout has resulted in accordance with policy DM1.
- 6.55 The central amenity open space with a LEAP (Locally Equipped Area for Play) meets needs for on site open space (policy DM19) and will assist in providing an attractive setting and outlook for the dwellings that front it. The majority of the dwellings will generally face outwards onto the perimeter trees. The layout and its landscaping attempt to ensure the Woodland punctuates through the development and there is an emphasis placed on the woodland setting.

- 6.56 Policy DM8 of the Local Plan refers to lighting. In terms of the potential for public and private artificial lighting to detract from the character of the area, it was stated by the Inspector that would not make a significant difference in the prevailing circumstances of the M2, traffic generally, residential areas, farm buildings and other semi-industrial and retail uses that exist in the area. It is difficult to argue that there has been a significant worsening of the scheme in this regard notwithstanding the increase in unit numbers.

Traffic and Highways

- 6.57 Policy DM21 relates to the transport implications of development. Paragraph 109 of the new NPPF stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.58 The application has been accompanied by a detailed transport assessment (TA) which concludes that the site is within easy walking and cycling distance of nearby services and close to bus stops providing links to Chatham.
- 6.59 The site location is sustainable in terms of access to transport, schools, health services and shops.
- 6.60 The number of vehicle journeys generated by this proposal would represent only a very small proportion of journeys on the local network; no objection in principle was raised by the Local Highway Authority.
- 6.61 The scheme proposes a priority junction onto Gleamingwood Drive including extending a footpath to provide safe walking route to nearby bus stop though no traffic calming measures are proposed.
- 6.62 A pedestrian link is also proposed at the northern end of the site with links to the footpath running to the east to enhance the non-vehicular permeability of the proposed development. This is a criterion within Policy DM1 of the MBLP.
- 6.63 The TA also concludes that though traffic flows along Gleamingwood Road would materially increase at peak hours but the existing and combined flows still fall well within the design capacity of the road while beyond Gleamingwood Road there would be very little impact overall from the development. However minor mitigation works have been offered in terms of queuing problems to slightly widen the carriageway on Lordswood Road opposite the junction with Gleamingwood Drive to allow more space for cars to pass any waiting to turn right.
- 6.64 Kent Highway Services raise no objection on any aspect of the highway or parking elements detailed in the submission subject to various suggested conditions and the applicant entering into a Section 278 Agreement in connection with local road improvements. This should include splitter islands and white lining to Round Wood roundabout as required by KCC because it is a junction that is already known to be congested and more up-to-date traffic data would be needed in evidence to contest that requirement.

6.65 In the circumstances it is considered that there is no sustainable objection to the proposal on highway or parking grounds as the scheme complies with policies DM21 and DM23. Notwithstanding the appeal decision at nearby Gibraltar Farm, the s278 highways works that will be required means that there will not be a severe impact on highway safety as judged by KCC as Local Highway Authority, which is the test in the NPPF.

Developer Contributions

6.66 Policy ID1 relates to the need for development to provide the infrastructure needed to support growth. The Council's CIL policy comes into force on 1 October 2018 so up until that point, s106 agreements under the Town and Country Planning Act 1990 must be used where conditions cannot be imposed to secure the infrastructure.

6.67 The priority is Affordable housing. This is being met in full compliance with SP20 of the Local Plan. All other types of infrastructure can be secured either by condition or by requiring the developer to meet planning obligations within the s106 legal agreement.

6.68 Medway Council seeks the following contributions as an adjoining unitary authority and given that the catchment area of the site falls mainly within Medway:

- Nursery School and Primary School Expansion at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
- Secondary School Expansion at Holcombe Grammar School
- provision of open space locally

6.69 An up to date review of the Education requests will need to be sought from Medway Council together with confirmation that the pooling limits (5 maximum per project) have not been exceeded.

6.70 Similarly, in terms of the open space request, confirmation will be needed from Medway Council that these funds will be used to provide sports and/or semi-natural space projects that cannot be accommodated on site. An up to date clarification that the pooling limits have not been exceeded is also needed. Under the CIL Regulations, the Open Space contributions cannot be sought by the Borough Council as there are no projects for outdoor sports and/or semi-natural space that would be adequately accessible to serve the development set against the criteria in policy DM19.

6.71 Medway CCG requests contributions to improve the Lordswood Healthy Living Centre, sought of £53814.25. The contributions satisfy the CIL tests as the scheme could serve the residents of the development and the CCG has provided up to date confirmation that it would not exceed the pooling limits.

6.72 In order to meet the requirements of the Affordable Housing policy, 40% of the development should be affordable. The applicants are agreeable to the above contributions with full compliance with the policy SP20 of the MBLP: provision of 40% affordable housing and have submitted a tenure

mix of that of 70% social rent and 30% shared ownership (32 social rent and 14 shared ownership). The final detail of the sizes of units for each tenure type will need to be considered in more detail in liaison with the Housing Officers.

- 6.73 Boxley PC asked for a contribution towards its hall but it is not considered that such a contribution would comply with the CIL Regulations in terms of being necessary or related to the development.

Other matters

- 6.74 The Public Art threshold is exceeded and in this site I am of the view that on- site public art will be necessary and should be secured by condition.
- 6.75 The Environmental Protection section advises that mitigation of Air Quality for existing residents can be dealt with by condition.
- 6.76 Concern has been raised by objectors that the proposal will affect the character and setting of the North Downs AONB. However given that the AONB is sited to the south of the M2 while the application site is sited just under 300 metres to the north of the M2 at its nearest point, it is not considered the proposal will have any material impact on the character or setting of the AONB with the landscape screening proposed.
- 6.77 In the centre of the site is a triangular open space indicated to include a Locally Equipped Area for Play (LEAP). This contributes as play area and amenity greenspace. However, there is no provision of all typologies of Open Space in full by the developer, eg the woodlands mainly serve an ecological purpose. Therefore sports and semi-natural open space would need to be the subject of off site provision within accessibility standards with contribution sought via legal agreement: this would accord with policy DM19 of the Local Plan.
- 6.78 The application has been accompanied by a site assessment which concludes that given the site history there is unlikely to be any significant contamination from past uses requiring any specific response and this matter can be dealt with by condition.
- 6.79 Regarding water management, a SUDS system is proposed which is intended attenuate water runoff to minimise the risk of flooding both on and off site while also enabling green spaces to be provided and maintained while improving natural habitats within the site.
- 6.80 The site is not at risk of flooding and the EA raises no objection on flooding grounds.
- 6.81 Southern Water's concerns regarding inadequate sewer capacity in the local network are noted. It will be for the developer to investigate sewerage options to overcome that constraint and that could be subject of a planning condition.
- 6.82 Regarding air quality (policy DM6) and vehicle noise due to the proximity of the site to the M2 to the south (policy DM1), these do not amount to fundamental objections to the principle of housing in this location. Subject to further details of the aural and air quality environment along

with any mitigation, there are considered to be no objections to the development on these grounds.

- 6.83 Medway Council suggest conditions on a Construction Environmental Management Plan and the hours of the construction. It is not considered that in the context of this specific site that these could be justified as planning conditions so an informative is suggested to relate to these issues.
- 6.84 Some objectors refer to the loss of the biomass boiler in the new scheme (some support its removal and some do not). The Inspector supported the biomass boiler principally because it would give a market for the products of positive woodland management. The applicant has committed to the same woodland management so the overall objective would still be met.

7. CONCLUSION

- 7.01 The scheme is a more dense development than the appeal scheme and has an extra 26 units (partly in lieu of the biomass boiler) which increases the impact on some elements but not necessarily in a proportionate degree. The impact of the extra units on the key issues of the countryside location and the loss of Ancient Woodland do not get affected by the increase in unit numbers as the area for built development stays the same and in this case, the access road is narrower slightly allowing more of Ancient Woodland to be retained including more separation from 2 important trees.
- 7.02 Considering landscape matters which relates to their individual value (a policy stance which has not changed in the new NPPF), the impact of the development on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood.
- 7.03 From the assessment above, it is my conclusion that the extra impacts are not material and the revised scheme can be the subject of planning conditions or obligations in a s106 legal agreement that would satisfactorily deal with or mitigate most of the planning concerns from the proposed development.
- 7.04 The elements where planning harm remains that cannot be mitigated are the impact on Ancient Woodland and the countryside location. In term of the latter, it does need to be born in mind that NPPF policy does give wider scope for non-isolated residential development in the countryside.
- 7.05 In both of these matters, the harm to both the Ancient Woodland and to the countryside in this revision is no worse than that judged by the Inspector to be outweighed by the benefits he cited. The design of the dwellings and the overall layout complies with the need for good design that is enshrined in Policies DM1 and DM30 of the Local Plan.
- 7.06 It is acknowledged that the appeal decision was based on a Local Plan that did not have 5 year supply meaning that housing supply policies such as one restricting new residential development of this nature and scale in the countryside had less weight. It is also the case that the new NPPF gives a

greater degree of protection to Ancient Woodland from planning decisions on development.

7.07 However, there are 3 key areas which, in my view, continue to outweigh the harm detailed above and justify the granting of planning permission.

- The scheme complies with the Government's definition of sustainable development of three overarching objectives: economic, social and environmental as defined in the new NPPF. It is in a sustainable location in environmental terms and the social and economic benefits of the new housing would be significant, especially regarding the increased in the stock of the offer of affordable housing by 10 units overall compared to the appeal provision.
- There is an extant planning permission granted on appeal for 89 houses which is a realistic and genuine fall back position and could be progressed by the submission of reserved matters application before 30 November 2018.
- The site has an existing planning permission for 89 units which is part of the Council's "windfall" housing supply. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application within the same red line envelope as the appeal decision therefore adds to the "windfall" contribution from this site by 26 units without taking up any more land.

7.08 The application was advertised as a Departure from the development plan. The recommendation is for approval but in the event that Members do resolve the permit the application, it does not need referral to the National Planning Casework Unit under the criteria of the current (2009) Direction.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- £105,248.00 towards Nursery School expansion at one or more of St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
- £258,336.00 towards Primary School Expansion at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
- £68,770.00 towards Secondary School Expansion at Holcombe Grammar School
- £80,070.00 towards provision of open space locally in the form of outdoor sports and/or semi-natural areas of open space

- £53814.25 for Medway CCG towards improving the Minor Illness Clinic at Lordswood Healthy Living Centre
- 46 affordable housing units comprising 32 units being social rented and 14 being shared ownership (sizes and tenure mix to be agreed)
- A Travel Plan and £5000 monitoring fee.

And the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2) No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the local planning authority.

Reason: To enable the recording of any items of historical or archaeological interest.

- 3) The development hereby approved shall not commence until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the countryside location of the site.

- 4) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as set out in the "FLOOD RISK ASSESSMENT INCORPORATING SURFACE WATER AND FOUL DRAINAGE STRATEGY" dated January 2018, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from

the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

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

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

Reason: In the interests of pollution and flood prevention These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5) No works shall take place within 15m of the Ancient Woodland (including demolition, ground works and vegetation clearance) until an updated species survey has been carried out to inform production of an Ecological Design Strategy (EDS) addressing all species mitigation for all species recorded within the site 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 method statements to achieve stated objectives for each species including installation of bat and bird bricks;
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, for example native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed programme of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of biodiversity.

- 6) No part of the development hereby granted (including demolition, ground works and vegetation clearance) shall take place within 15m of the Ancient Woodland until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Details of the areas where Ancient Woodland soil and coppiced stools are to be translocated and method statement for translocation.
 - b) Risk assessment of potentially damaging construction activities.
 - c) Identification of biodiversity protection zones.
 - d) 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).
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.
 - g) Responsible persons and lines of communication.
 - h) The role 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. and
 - i) Provisions for the removal of all fly-tipped material and any necessary restitution of the Ancient Woodland before any other works take place.

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

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 7) No development including site clearance and demolition shall take place within 15m of the Ancient Woodland until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development

that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 8) The development shall not commence within 15m of the Ancient Woodland until a Woodland Management Plan (WMP) for the areas W1-W9 on Bioscan report E1739r4 dated January 2018 has been put in place in accordance with details to be approved by the local planning authority. The measures set out in the WMP shall be adhered to in accordance with the approved details.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 9) The development hereby approved shall not commence above slab level until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. These shall accord with the materials described in the Design and Access Statement hereby approved. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide landscape screening to the site perimeters.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 11) The development shall not commence above dpc until details of a scheme for the preparation, laying out and equipping of a play/amenity area have been submitted to and approved by the Local Planning authority and the land shall be laid out in accordance with the approved details.

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

- 12) The development hereby approved shall not commence above dpc until details of the foul drainage works have been submitted to and approved by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of the buildings. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure adequate drainage arrangements

- 13) The development hereby approved shall not commence above dcp until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of aural amenity.

- 14) The development shall not commence above dpc until an Air Quality report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain an assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the air pollution of the development when in occupation. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: In the interests of pollution control.

- 15) The development shall not commence above dpc until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The housing areas and buffer zones shall be implemented in full in accordance with the approved details before the first occupation of any of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in

writing by the local planning authority. All boundary treatments and buffer zones to be installed within the Ancient Woodland shall be carried out in accordance with the approved details.

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

- 16) Development shall not commence above dpc until details and method of barrier control of an emergency access have been submitted and approved in writing by the local planning authority. The approved emergency access shall be installed prior to the first occupation of any dwelling and retained as approved.

Reason: No such details have been submitted.

- 17) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained.

- 18) No dwelling shall be occupied until off site highway improvements under s278 of the Highways Act 1980 have been completed in regard to the junction of Lordswood Lane with Gleamingwood Drive; Round Wood Roundabout junctions; access arrangements onto Gleamingwood Drive; the nearest bus stops to be provided with accessible waiting facilities ie. Raised kerbing for low floor access and dropped kerb/tactile paving to assist crossing pedestrians.

Reason: In the interests of highway safety and environmental sustainability.

- 19) The access to the site from Gleamingwood Drive and the access between sites 'A' and 'B' shall be carried out in accordance with drawing 9888-KC-XX-YTREE-TPP02RevC and shall be completed before the first occupation of the buildings hereby permitted. The visibility splays hereby approved shall be retained free of all obstruction to visibility above 1m thereafter.

Reason: In the interests of minimising impact on the Ancient Woodland and in the interests of road safety.

- 20) Prior to the first occupation, details of public art to be provided on site shall be submitted to the local planning authority for approval. This should include the selection and commissioning process, the artist's brief, the budget, form, materials and location, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of good place making in accordance with Maidstone Borough Council Public Art Guidance.

- 21) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

- 22) The occupation of each phase of the development shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

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

approved plan unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Compliance

- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A–H (inclusive) to that Order shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character, appearance and functioning of the surrounding area

- 25) No external lighting shall be installed on the site without details and specifications having been submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity and ecological interest of the Ancient Woodland.

- 26) 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 (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 27) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

- 28) The development hereby permitted shall be carried out in accordance with the following approved plans: 9888-KC-XX-YTREE-TPP02RevC; 667-SL01; 667_100P8; 667_200P4; 667_201P3; 667_202P4; 667_203P2; 667_203P4; 667_204P3; 667_205P3; 667_206P3; 667_207P3; 667_208P3; 667_209P3; 667_210P3; 667_211P3; 667_212P3; 667_213P4; 667_214P2; 667_215P3; 667_216P2; 667_217P2; 667_218P3; 667_219P3; 667_220P2; 667_221P3; 667_222P2; 667_223P2; 667_224P2; 667_224P2; 667_225P2; 667_226P2;

INFORMATIVES

- 1) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.
- 2) The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 3) You are advised to ensure provision of:
 - construction vehicle loading/unloading and turning facilities prior to
 - commencement of work on site and for the duration of construction;
 - parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;

- wheel washing facilities prior to the commencement of work on site and for the duration of construction;
 - measures to prevent the discharge of surface water onto the highway;
- 4) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 5) No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.
- This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 6) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local

Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability.

- 7) UKPN 33KV overhead network crosses the land so steps must be taken by the developer to ensure their safety when working near the overhead network. Alternatively should the developer wish to reroute the line elsewhere they must enter into negotiations with UKPN Connections Business at their earliest convenience.
- 8) Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers. The assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:
 - Initial feasibility, detail modelling and preliminary estimates.
 - Flow monitoring (If required)
 - Detail design, including land negotiations.
 - Construction.
 - The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.