

REPORT SUMMARY

REFERENCE NO: 22/504692/HYBRID

APPLICATION PROPOSAL:

Hybrid Planning Application consisting of:

Full planning application for the erection of 105 dwellings, retail space (423m²), access off North Street and site infrastructure works, following demolition/removal of the existing structures.

Outline planning application (with all matters reserved) for the development of a doctors surgery (1,500m²) with associated car parking and a phased development of 5 x self-build plots.

(110 dwellings in total)

ADDRESS: Land at Haven Farm, North Street, Sutton Valence, ME17 3HT

RECOMMENDATION: APPROVE PERMISSION

SUMMARY OF REASONS FOR RECOMMENDATION:

The site is located outside the defined settlement of Sutton Valence in the adopted Local Plan. It is therefore within the 'countryside' for Local Plan purposes where policy SP17 applies and states, "*Development proposal 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.*"

There are no other policies in the Local Plan which allow for major housing development outside defined settlements and the change from largely undeveloped fields will inevitably cause harm to the character and appearance of the area. The proposals are therefore contrary to Local Plan policies SS1 (Spatial Strategy) and SP11 (Larger Villages) in terms of proposing major housing development outside any settlement and policies SP17 and DM30 in terms of causing harm to the character and appearance of the countryside.

Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The site falls within an allocation (policy LPRSA078) for mixed uses of housing, a doctors surgery, and retail in the emerging Local Plan Review (LPR) and so the LPR allocation and need for a doctors surgery are material considerations.

For the reasons set out in the report the draft LPR and site policy LPRSA078 are considered to attract moderate weight but the proposals would result in a dwelling yield of at least 20% above that allocated and so are contrary to the policy in this respect. The site is perpendicular to Sutton valence and extends significantly westwards, however, and in the context of the draft allocation, the landscape impact, layout, and design quality is considered to be acceptable.

There is considered to be an urgent need for a doctors surgery which attracts significant weight. This is based on the NHS stating the surgery is needed to provide capacity for growth in the Langley/Sutton Road area; this need being identified 4 years ago in which time patients numbers have continued to increase and will continue to do so; the local practices operating at peak capacity with stated problems for their operation and having to use a mobile building; the Council having identified the need for a new premises for southeast Maidstone and selecting 'Haven Farm' as the site to deliver this in the LPR; and it being identified within the Council's Infrastructure Delivery Plan to "respond to growth in the Langley/Sutton Road/Sutton Valence area".

The development would cause a low level of 'less than substantial harm' to the setting of the Grade II listed Osborne House and whilst giving great weight to this, in balancing matters it is considered the significant 'social' public benefits of providing 110 dwellings including affordable housing to meet ongoing housing needs on a draft housing allocation, and the urgent need for a doctors surgery, provide for clear and convincing justification for accepting some harm to the heritage asset, and these public benefits outweigh this low level of 'less than substantial harm' in line with Paragraph 202 of the NPPF.

The proposals result in the loss of the 'best and most versatile' agricultural land (Grade 2) which the NPPF recognises the economic benefits of. This matter has not been raised as a potential barrier to the site being allocated by the LPR Inspector. Prior to adoption of the LPR its loss weighs against the development but is not considered of sufficient weight to refuse permission.

The two matters of moderate weight to the Local Plan Review policy allocation LPRSA078 and the urgent need for a doctors surgery, which attracts significant weight, are together considered to represent material considerations of sufficient weight to outweigh the conflict with the Development Plan. The social benefits from the delivery of housing including affordable housing also attract significant weight in favour of the development.

Otherwise the development complies with all other relevant Development Plan policies and suitable mitigation is secured by conditions or a legal agreement where necessary.

For these reasons planning permission is recommend subject to conditions and a legal agreement.

REASON FOR REFERRAL TO COMMITTEE:

The recommendation is a departure from the Maidstone Local Plan 2017.

Sutton Valence Parish Council wish to see the application refused and reported to committee for the reasons set out in the report.

WARD: Sutton Valence & Langley	PARISH COUNCIL: Sutton Valence	APPLICANT: Fernham Homes Ltd AGENT: DHA Planning
CASE OFFICER: Richard Timms	VALIDATION DATE: 17/10/23	DECISION DUE DATE: 30/11/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

23/503704 Temporary change of use of land for stationing, over winter storage, and limited occupation of 11(no) seasonal and general agricultural workers caravans, for a period of 5 years (retrospective) – DECISION PENDING

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application relates to an irregular shaped parcel of land on the west side of North Street (A274) in Sutton Valence. It can be split roughly into three parts - a grassed fields fronting the road; an area north of this where there are some single storey buildings one of which is used as a farm shop and post office, and also mobile homes which currently do not have planning permission (retrospective application 23/503704 submitted); and a rear parcel where there are polytunnels. The site extends a significant distance back from the main road by around 440m and rises from south to north.

1.02 The nearest dwellings are adjacent the site to the north and south of the front field and to the northeast. Further north is a sports pavilion and pitches and to northwest, west and southeast is agricultural land. To the east is the village hall and both grass and surfaced sports pitches/courts.

1.03 The settlement boundary of Sutton Valence is immediately south of part of the site as is the Greensand Ridge Landscape of Local Value (LLV). The site is therefore within the countryside for Local Plan purposes. The Sutton Valence Conservation Area is just under 200m to the south and there is a Grade II listed dwelling (Osborne House) around 50m to the northeast.

1.04 The site falls within an allocation for 100 dwellings including 5 self/custom build plots, 400m² of retail/business uses, a 1,500m² doctors surgery with 50 parking spaces, and woodland/open space in the draft Local Plan Review (policy LPRSA078). The allocation also includes a parcel of land to the south which is not part of this planning application.

2. PROPOSAL

2.01 Permission is sought for the following which would involve demolition and removal of all buildings and structures at the site:

- Full application for the erection of 105 dwellings and retail space (423m²) below an apartment block.
- Outline application (with all matters reserved) for a doctors surgery (1,500m²) with 52 space car park and 5 self-build plots.
- 110 dwellings in total.

2.02 The proposals are for mainly detached houses but also some semi-detached and terraced properties all two storeys in height. A 2.5 storey apartment block (rooms in the roof) is proposed to the front with retail floorspace on the ground floor. For the outline application the plans illustrate a doctors surgery

would be provided towards the front of the site with a 52 space car park to the southwest. There would be a new main access off North Street between the apartment block and surgery with a secondary emergency/pedestrian route using the existing access to the farm shop.

- 2.03 Affordable housing is proposed at 40% and areas of open space/landscaping including around 0.75ha of new woodland/tree planting, around 0.35ha of amenity space including a play area, a small orchard, and wildlife pond.
- 2.04 The application was submitted in October 2022 and is subject to a Planning Performance Agreement which essentially agreed to await the outcome of the Local Plan Review Examination before reaching a recommendation/ decision. Member Briefings on the proposals were held before the application was submitted and also in July 2023. The latter was held due to changes of Councillors on Planning Committee and the Ward Councillor.

3. **POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017: SS1, SP15, SP17, SP18, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23, DM30

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP7(C), LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRSA078, LPRHOU5, LPRHOU9, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRINF2, LPRINF4, LPRENV1, LPRQ&D1, LPRQ&D2, LPRQ&D6, LPRQ&D7

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

4. **LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 134 representations received raising the following (summarised) points:

- Traffic congestion.
- Highway safety from increased traffic.
- Changes to the A274/B2163 junction will be dangerous; encourage more traffic through Leeds; will mean vehicles on Leeds Road cannot get out; lack of pedestrian/cycle crossings.

- Money should go towards relief road.
- Dangerous access.
- Lack of parking.
- Pedestrian surveys are not representative.
- Poor walking/cycling access.
- Infrastructure cannot cope (roads, schools, doctors, water supply, sewerage and energy).
- Access road should be provided to other parcel of land in emerging plan.
- Contrary to policies DM1, DM3, DM7, DM8, SP11, SP15, SP23 and draft policy for the site.
- No need for development.
- Local school does not have capacity.
- Poor public transport.
- Car reliance.
- Out of character with village.
- Apartment block is not in keeping.
- Harm to the countryside.
- Harm to Conservation Area.
- Loss of trees and hedges.
- Too dense.
- Cramped development.
- Does not meet expected net density of 30 dwellings per hectare.
- Small gardens.
- Lack of varied architectural styles or local character.
- Poor quality materials.
- Suburban character.
- Balconies will look poor.
- Plans do not show neighbouring property accurately.
- Loss of privacy.
- Loss of light and outlook.
- Overbearing and enclosing impact.
- Noise and disturbance.
- Harm to wildlife.
- Increased air pollution.
- Flood risk.
- Loss of Grade 2 farmland.
- Lack of foul sewage capacity.
- Houses will not be affordable.
- Ecological surveys out of date.
- Bats use the site.
- Pond next to site.
- Errors in biodiversity net gain assessment and baseline assessment is incorrect.
- Air quality and pollution.
- Archaeology should be addressed.
- Loss of post office.
- Developer should build the surgery before any housing.
- Lack of funding for new surgery.
- Need for surgery is questionable and new facility will face similar problems.
- Decline in GP numbers generally.
- Inaccuracies and errors in documents.
- Solar panels and ground source heat pumps should be provided.
- Japanese knotweed on site.
- Disruption from construction.

- Support doctors surgery.
- Support for development and providing affordable housing.

4.02 Sutton Valence Parish Council: Wish to see the application refused
and reported to committee for the following (summarised reasons):

- Huge impact on Parish as it alters the whole dynamic of the village and its services.
- Sutton Valence as a 'larger village' has been allocated more houses than the other larger villages.
- Not in character with the surrounding area – policy DM1.
- Balconies not in keeping with existing buildings in Sutton Valence.
- Concern re. traffic impact on air quality.
- Will increase traffic queuing on the A274.
- Concern re. narrowing of the A274.
- Strongly resist suggestion of a filter road at the Plough crossroads as it will be unworkable and cause further queuing; encourage more vehicles and HGVs down the Leeds arm; make turning more difficult for HGVs; insufficient consideration to pedestrian and cyclists; and would wish to see 30mph limit.
- Strongly in favour of a new medical practice but concerns as it appears doctors are yet to agree the site and have no plans or funding in place so site could remain vacant for some time. Guarantees are needed or site might be used for even more housing.
- No data to back up claim the current GP facilities are a reason for struggling to employ and retain staff and this may continue to occur even with new building.
- Concerned re. strain on infrastructure and primary school which has no possibility to expand.
- Will exacerbate current sewage and drainage problems.
- Concern that boundary hedgerows and trees will be damaged.
- Lack of safe crossing.
- Safe access to the school grounds should remain.
- Errors on plans.
- Concern re. impact on adjoining and nearby residents and loss of their outlook.
- Car park will abut fence to neighbouring house.
- No account of pedestrians from the north.
- Would like an affordable mini supermarket.
- Postal services should be retained.
- Should investigate Southern Water's assertion the existing sewer system can cope.
- Can three of the affordable properties be set aside in perpetuity for parishioners and should not be 'right to buy'. They should be of superior quality with durable materials and solar panels.
- Would be happy to receive an allocation towards existing play facilities instead of a new one on site.
- Renewable energy sources, EV charging points, native planting, biodiversity measures, high levels of insulation, permeable surfaces, and limited light pollution should be secured.
- Space should be provided for construction vehicles to park on site.
- Long-lived trees are required instead of orchard planting.

4.03 (Neighbouring) Langley Parish Council: Raise objections for the following reasons:

"We strongly feel that the proposals outlined by DHA by adding an additional traffic lane will create an accident waiting to happen as the vehicles travelling on the Maidstone Road will no longer stop to allow out vehicles from the Leeds Road and instead will create a dangerous precedent of vehicles half traversing the carriageway in order to get out or alternatively vehicles will start to further rat run through our villages roads of Heath Road and Horseshoes Lane and back onto the Sutton/Maidstone Road. We would welcome Kent Highways view on this matter and seek for other possible solutions such as sensor-controlled traffic lights etc."

4.04 (Neighbouring) Chart Sutton Parish Council: Wish to see the application refused due to increased traffic along the A274 and at the Plough crossroads; access is not in a very good place; and lack of capacity at the local primary school. If minded to approve would wish to see the local banking/post office retained and the surgery built prior to the housing.

4.05 (Neighbouring) Leeds Parish Council: *"Leeds Parish already suffers from excessive traffic issues, and it is recognised that this road is over capacity and a bypass is needed, the suggested remodelling will place increased strain on the village and damaging air quality further."*

4.06 Borough Councillor Fort: *"Put simply this proposed development will be disastrous for those living along the B2163 in Leeds and Langley. The road is already running at over capacity."*

4.07 Former Ward Councillor Young: Consider the proposals are unacceptable due to increased traffic; Plough junction changes will make it worse, dangerous, and encourage vehicles through Leeds which is already a rat run and the only solution is traffic lights; and an air quality survey should be carried out at this junction.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

KCC Highways and Transportation

5.01 No objections subject to conditions relating to the access and visibility; improvements to the B2163 Plough Wents/Leeds Road/A274 Sutton Road/Maidstone Road junction; financial contribution towards the A274 Sutton Road/Willington Street junction improvement scheme; travel plan; construction management plan; retention of vehicle and cycle parking spaces and vehicle loading/unloading and turning facilities, and measures to prevent discharge of surface water to the highway.

Natural England

5.02 No objection.

KCC Flood and Water Management

5.03 **No objection subject to conditions** to provide fine details of the SUDs scheme and its verification and infiltration.

KCC Minerals and Waste

5.04 **No objection.**

NHS Strategic Planning and Primary Care Estates

5.05 Support the provision of a doctors surgery at the site to provide capacity for the growth in the Langley/Sutton Valence area and advise the need for new GP premises has been identified since 2019 and delay to the scheme will continue to create further challenges for the practice.

KCC Ecological Advice Service

5.06 **No objections subject to conditions** relating to protected species mitigation, biodiversity net gain, and enhancements.

KCC Infrastructure

5.07 Request financial contributions towards primary (£389,928) and secondary (£381,360) education, community learning (£1,707.68), youth services (£6,812), libraries (£5,766.80), social care (£15,275.52), and waste (£5,664.88).

KCC Archaeology

5.08 **No objections subject to a condition** re. archaeological field evaluation, recording, reporting, and post excavation assessment.

MBC Housing

5.09 Provide advice on the affordable housing mix/sizes.

MBC Parks and Open Spaces

5.10 Request a financial contribution of £353.42 per dwelling towards *"the provision of, or improvement, refurbishment and maintenance of, existing sports facilities or equipped play facilities or to improve/provide natural open space features, biodiversity improvements, tree planting and access improvements footpaths/signage, within one mile of the development.*

Environmental Health

5.11 **No objection subject to conditions** relating to construction, noise, lighting, air quality, EV charging, and contamination.

Upper Medway Internal Drainage Board

5.12 Applicant must satisfy KCC's requests re. surface water drainage.

Southern Water

5.13 Advise that they can provide foul sewage disposal to service the development.

Kent Police

5.14 Recommend various measure to reduce crime.

6 APPRAISAL

6.01 The key issues are:

- Policy Context & Assessment
(Adopted Local Plan, Draft Local Plan Review and Site Policy LPRSA078)
- Need for Doctors Surgery
(Draft Local Plan Review & Information from the NHS and Sutton Valence Group Practice)
- Impact on the Landscape and the Character and Appearance of the Area
(Local Landscape Character and Visual Impact)
- Design Quality & Landscaping
(Connectivity, Layout, Character, Identity, Building Designs, and Landscaping, and Maidstone Building for Life 12)
- Impact on Conservation Area and Listed Buildings
- Residential Amenity
(Existing and Future Residents)
- Highways
(Traffic Impacts, Public Transport and Parking)
- Biodiversity
(Protected Species and Biodiversity Net Gain)
- Infrastructure, Open Space, Doctors Surgery and Affordable Housing
- Other Matters including Drainage, Consultees and Representations

Policy Context & Assessment

6.02 The site is located outside the defined settlement of Sutton Valence in the adopted Local Plan. It is therefore within the 'countryside' for Local Plan purposes where policy SP17 applies and states, "*Development proposal 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.*"

6.03 Policy DM30 (Design Principle in the Countryside) also seeks to "*maintain, or where possible, enhance local distinctiveness including landscape features*".

6.04 There are no other policies in the Local Plan which allow for major housing development outside defined settlements and the change from largely undeveloped fields will inevitably cause harm to the character and appearance of the area. The proposals are therefore contrary to Local Plan policies SS1 (Spatial Strategy) and SP11 (Larger Villages) in terms of proposing major housing development outside any settlement and policies SP17 and DM30 in terms of causing harm to the character and appearance of the countryside.

6.05 Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.06 The site falls within an allocation (policy LPRSA078) for mixed uses of housing, a doctors surgery, and retail in the emerging Local Plan Review (LPR) and so the LPR allocation and need for a doctors surgery are material considerations which need to be taken into account.

Draft Local Plan Review

6.07 The LPR was submitted to the Secretary of State in March 2022 and has been the subject of a public examination by a government Planning Inspector over two stages of hearings in September-November 2022 (Stage 1) and May-June 2023 (Stage 2). Stage 1 considered matters of legal compliance, the amounts of development being planned for and the overarching strategy. Stage 2 considered site allocations, strategic policies not dealt with at Stage 1, and the various development management policies.

6.08 After the Stage 1 hearings and at a high level the Inspector provided a letter (11/01/23). In summary this concluded the Plan was not sound but could be made so subject to 'main modifications' relating to key strategic matters which he recommended as follows:

- The plan period extended until 2038.
- The calculation of housing need is sound subject to an increase in the requirement based on the extended plan period.
- The inclusion of a stepped housing trajectory.
- The employment land floorspace requirement is sound subject to an increase based on the extended plan period.
- The spatial strategy for development is an appropriate strategy.
- Modifications are required relating to the removal of the 'Leeds Langley' area as a potential development location, matters relating to the two garden settlements at 'Heathlands' and 'Lidsing', and matters relating to Invicta Barracks.

6.09 The Council set out modifications to address the above and in his letter after the Stage 2 hearings the Inspector stated, *"Having considered the Council's*

proposed modifications together with statements and discussion with participants at the hearing sessions, I consider that the LPR could be made sound by main modifications." This includes modifications that came out of the hearing sessions beyond the strategic issues outlined above.

6.10 The Haven Farm allocation (policy LPRSA078) was discussed at the Stage 2 hearings. Prior to the hearings the Inspector set out a number of questions relating to the providing a medical facility, landscape character, the setting of listed buildings, relationship to the existing settlement pattern, the quantum of development, and the site area. These were discussed at the hearing session. However, it is important to note that the Inspector only examined matters of 'soundness' which relate to plans being 'positively prepared'; 'justified'; 'effective'; and 'consistent with national policy'. As such, this was a high level assessment and the Inspector did not examine detailed matters such as landscape impact, and these are left to the decision making stage, i.e. under this planning application.

6.11 The Council has published the 'main modifications' (MMs) which the Inspector considers are necessary to make the Plan sound and a 6 week public consultation commenced on 29th September. The MMs relating to policy LPRSA078 are to confirm a yield of approximately 100 dwellings (as the submission document referred to both 100 and 110), the site area (extending further west), and a 'key diagram' showing the location of residential, employment/mixed use, and open space areas. The first two were submitted alongside the Plan when originally submitted in March 2022 and were discussed at the hearing session. The latter came out of the discussions at the hearing session.

6.12 The NPPF at paragraph 48 states that,

Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

6.13 The LPR is at an advanced stage having been through Examination with MMs the Inspector considers are required to make it sound out to consultation. All objections to the Plan have been considered by the Inspector through the Examination process but any responses on the MMs still need to be considered by him.

6.14 For the Haven Farm site allocation itself (policy LPRSA078) all representations received during the LPR consultation have been considered by the Inspector. There were 4 representations none of which objected to the site. The MMs include clarification on the yield and where the different types of development will go. The proposed site area change was submitted alongside the Plan in

March 2022 and was discussed at the hearing session. The Inspector has not found that any of these clarification/changes make the policy unsound so in my view there are not currently any 'unresolved objections' to the site policy.

- 6.15 Policy LPRSA078 is considered to be consistent with the NPPF as the Inspector has not found any issues with compliance, and subject to the MMs has been found sound. The LPR is at an advanced stage having been through Examination with MMs to make it sound out to consultation. However, the MMs are still the subject of public consultation and the Inspector must consider these before issuing his Final Report and for these reasons it is considered site allocation policy LPRSA078 currently has 'moderate weight'. This is not considered sufficient weight to outweigh conflict with the adopted Local Plan alone but is a material consideration in the balance.
- 6.16 One of the key points (in addition to landscape impact) is that the allocation is for 100 residential units but the proposal is for 110 and does not include all of the allocated land whereby I estimate that a further 10 dwellings could be accommodated. The overall development of the site is therefore estimated to result in at least 20 dwellings over the allocation in the draft LPR and a deviation of 20% cannot be regarded as 'approximate' either. Therefore, in relation to site yield, the proposal is not in accordance with the draft policy which this Council recently confirmed as 100.
- 6.17 Therefore, the proposals are contrary to policies SS1, SP11, SP17 and DM30 of the adopted Local Plan in that it is within the open countryside and, secondly, the draft policy LPRSA078 in that 20% more units are proposed than allocated.

Need for Doctors Surgery

- 6.18 The Council has decided to include a doctors surgery within the draft allocation and it is very specific of the size of the surgery and its car park. It is my understanding that this was the primary reason for the allocation i.e. the urgent need to replace the existing two surgeries with a new one. The Council explained at the LPR examination hearing sessions (23rd May 2023) that this has been through working with the NHS to find a suitable location for a new surgery in southeast Maidstone. Indeed this is the main reason for the extent of allocation and its protrusion westwards to accommodate the surgery and its car park, in addition to the housing. In this respect the draft policy states, "*The residential development of the rear agricultural element of site is subject to the provision of a new, serviced, medical surgery....*"
- 6.19 The Council's 'Infrastructure Delivery Plan' 2022 also identifies the need for a new premises to replace the two existing Sutton Valence practices to "respond to growth in the Langley/Sutton Road/Sutton Valence area". This is in relation to both development within the adopted Local Plan and that planned in the LPR and its prioritisation is described as 'essential'.
- 6.20 The applicant has also provided information on the need for the surgery. This includes a letter from the Kent and Medway NHS (Strategic Planning and Primary Care Estates) department with the following statements:

"In 2019, Sutton Valence Group Practice obtained approval in principle from the former West Kent Clinical Commissioning Group (now NHS Kent and Medway "The ICB") to develop plans for a new GP surgery.

The Maidstone Borough Council Local Plan (Regulation 19 Draft plan for submission document October 2021) details the above site as acceptable to accommodate a doctors surgery and includes a requirement for this to be a serviced site for this purpose (Policy LPRSA078).

The practice is in the process of appointing a third-party developer to take the development forward and progress developing an outline business case for the next stage of the premises development process.

The approval in principle to develop plans recognised the need for new premises in Sutton Valence to provide capacity for the growth in the Langley/Sutton Road area. The Practice premises surveys carried out in 2017 reported that the premises do not have the capacity to accommodate growth and are not suitable for long-term use.

The Practice faces challenges recruiting and retaining workforce required to cope with the growing service demand and population growth due to the space constraints and deficiencies in the existing premises.

The need for new GP premises has been identified since 2019 and operational challenges with delivering primary medical services have continued to increase.

The practice registered patient list has increased by 16% (1034 patients) in the past 4 years and there is expected population growth of circa 2000 expected in the next 5 years in the practice area. Delay to the premises development scheme will continue to create further challenges for the practice."

6.21 Also of relevance is site allocation H1(10) of the adopted Local Plan which has outline permission for 800 houses including for a potential GP surgery on 'land south of Sutton Road'. Under the final phase of this development the NHS were asked by MBC if there was a need for a facility at this site in July 2023. They advised that, "we no longer require space for a doctors surgery on the Sutton Road development" which is due to the identification of a preferred site at Sutton Valence.

6.22 The applicant has also submitted a letter from the GPs of the Sutton Valence Group Practice with the following (summarised) statements made which are considered to be relevant:

- Operating at peak capacity and currently have 7,500 patients registered at Sutton Valence Group Practice
- In 2017, West Kent CCG (now Kent and Medway ICB) performed a General Practice Premises Survey, which found no room for expansion at either site (South Lane and Cobtree).
- Have already purchased one mobile building and are considering a second but this offers only limited quantity of administrative space for our staff and has not addressed a requirement for increased clinical space.
- Limited toilet facilities, some of which are shared between staff and patients.

- Two practices were merged in 2018 and being split across two sites results in a divided clinical team and limits the treatments and services offered at each individual site.
- Dispensing facility is running at capacity and due to the design of the main building, there is no dedicated 'hatch' for patients to access dispensary.
- Ability to store medicine is limited due to lack of space.
- As a result of local housing development, the ICB have indicated to them they expect patients to increase to approximately 10,000 in the next 3 to 5 years.
- Consider that without new facilities, they will be unable to provide safe medical services to the current cohort of patients and have grave concerns re. the ability to safely meet future increased patient demand from the existing facilities.
- Without new facilities, they consider above issues will deteriorate over time.

6.23 Based on the NHS stating the surgery is needed to provide capacity for growth in the Langley/Sutton Road area; this need being identified 4 years ago in which time patients numbers have continued to increase and will continue to do so; the local practices operating at peak capacity with stated problems for their operation and having to use a mobile building; the Council having identified the need for a new premises for southeast Maidstone and selecting 'Haven Farm' as the site to deliver this in the LPR; and it being identified within the Council's Infrastructure Delivery Plan to "respond to growth in the Langley/Sutton Road/Sutton Valence area", I consider there is an urgent need for a doctors surgery. This is considered to be a material consideration that attracts significant weight and strongly weighs in favour of potentially allowing this development in advance of the adoption of the LPR. Therefore, it is crucial to ensure this new facility by way of a s106 legal agreement.

Impact Upon the Landscape and the Character and Appearance of the Area

6.24 The introduction of fairly significant development on a largely undeveloped site will inevitably cause harm to the character and appearance of the local area contrary to policy SP17 of the Local Plan but in view of the moderate weight given to the draft site allocation policy and it being a material consideration, this impact will be assessed in the context of this policy. The site is perpendicular to the linear morphology of Sutton Valence and its western extent is highly visible from nearby public rights of way including the Greensand Way.

6.25 The LPR or site policy is not accompanied by specific landscape impact evidence to define how the site should be developed and the draft allocation states, "the site layout and design of the site shall be informed by a landscape and visual impact assessment (LVIA)." This is because landscape impact of sites was not assessed within the Strategic Land Availability Assessment (SLAA 2021) for the LPR - it was not on the pro forma. As stated above, this is a detailed matter which was not examined by the Inspector so is left to the decision making stage. The 'Key Diagram' produced by the Council through

the MMs for the LPR does show the location of development and open space areas but has been based on this application.

- 6.26 Given the policy vacuum and, moreover, the impact on the landscape, officers therefore negotiated at the pre-application stage with the applicant to reach a position whereby the impact is considered to be suitably limited. The main consideration in this respect has been the westward extent of development for two reasons. Firstly, because the built settlement of Sutton Valence in this location is fairly close to the main road in a linear form and secondly, because the site is on rising land above the Greensand Way national trail (PROW KH498) so has the potential for high visibility. The applicant has submitted an LVIA with the application in line with the draft allocation.
- 6.27 Unfortunately the Landscape Character Guidelines are from 2012 and there was no landscape sensitivity testing in 2016 as Sutton Valence was not identified for growth of this scale. However, the site falls within Local Character Area (LCA) 29 – ‘Boughton Monchelsea to Chart Sutton Plateau’ within the Maidstone Landscape Character Assessment (2013). This is an area described as having low sensitivity and a poor condition with the guideline to ‘improve’ the landscape. ‘Actions’ include conserving and improving the extent of woodland cover, improving hedgerows, and maintain open space between swathes of development.
- 6.28 It adjoins LCA 35 – ‘Sutton Valence Greensand Ridge’ to the south an area described as having high sensitivity to change and good condition with the guideline to ‘conserve’ the landscape. ‘Actions’ include conserving orchards/hop gardens and small scale field patterns, resist further conversion to arable, conserve the scattered pattern of development and rural character, the rural setting of traditional buildings/settlements, narrow enclosed lanes, and consider the exposed landscape in view from the Low Weald to the south.
- 6.29 The development will inevitably result in a major change to the character of the site and the local landscape both close to North Street through closing a gap between development but more so towards the rear of the site as it moves into the open and undeveloped countryside. The applicant’s LVIA considers the development would have a ‘moderate adverse effect’ on landscape character. In my view the effect would be greater as the change in character from largely undeveloped fields to a housing estate is substantial.
- 6.30 In respect of visibility, the applicant’s LVIA considers views from the Greensand Way national trail around 345m to the south have a high sensitivity to change. It states, *“receptors will experience some change in views towards the site with building rooflines and some upper storeys visible through and beyond the existing hedgerow and line of mature trees. This visibility is mainly due to the gaps within the existing southern boundary. It is also likely to be more visible during winter months and perhaps some light spill after daylight hours.”* I would agree with this assessment in that the western part of the site protrudes and is visible from the Greensand Way.
- 6.31 Therefore through negotiation, buildings have been set back by around 90-100m from the far west edge of the site which is also visible from PROW KH550 315m to the west. The proposals are at their lowest density here with detached houses and new woodland planting is proposed ranging from 10m to 60m in depth. It is considered this set back and proposed tree planting

would suitably limit the visual impact of the development here. This together with woodland belts of 10m depth along the south and north boundaries would serve to break/soften any views of the development from the Greensand Way trail, PROW KH550 and also from Warmlake Road 230m to the north. This has resulted in a higher density to the east of the site near the entrance but it is considered that this is a reasonable compromise overall.

- 6.32 The front part of the site and development would be clearly visible from North Street. Proposed buildings here are set back to respect the building line between development to the north and south and would allow room for landscaping in line with the draft policy to provide a 'semi-rural' character.
- 6.33 Overall, the development will clearly cause harm to the character and appearance of the local area and landscape, however, in the context of the draft LPR allocation the measures to limit this impact through setting development well back from the western edge with new woodland planting and retaining/strengthening boundary trees and hedgerows, which are also 'actions' identified in the LCA, would serve to suitably minimise the impact. The LPR allocation only has moderate weight but the proposals align with the draft site policy in respect of the impact upon the character and appearance of the area and generally align with the 'Key Diagram' in terms of the location of development although as stated above this has been based on this planning application. Furthermore, the allocation as submitted made no specific reference to landscape impact nor, moreover, where and where not built development could be located so, given this context, it is considered that a reasonable compromise has been reached.

Design Quality & Landscaping

- 6.34 The NPPF has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity, Walking and Cycling

- 6.35 Access would be off North Street with new pavements linking to those either side on the road. KCC Highways have raised no objections in terms of the suitability of the access and the visibility splays that can be achieved and also the internal layout in terms of access and turning space for delivery, refuse and emergency vehicles.
- 6.36 A Toucan crossing is proposed just to the north of the access to provide a safe route across the A274 and connectivity with the village hall and public open space on the opposite side in line with the draft policy. There would also be footway widening to 2.5m from the village hall entrance southwards for around 150m which is considered suitable as extending further would result in the loss of trees which contribute to the streetscene. KCC Highways have raised no objections to these proposals. The existing access to the farm shop/post office would be used as an emergency access only for the development with a retractable bollard where it meets the site but can also be used by pedestrians and cyclists. These measures are considered appropriate to promote walking and cycling and access to the existing bus stop to the south of the site and a relocated one to the north. The nearest public rights of

way (PROW) are to the west and south of the site with farmland between. It is considered appropriate to require the applicant to use reasonable endeavours to explore potential routes for new residents to these with the adjacent landowner under a legal agreement to provide recreational walking routes and access to the countryside.

- 6.37 Within the site a footway provides a clear route through the development along the main spine road towards the rear part of the scheme. Off the main spine road are some shared streets without footways but they are short in length and so are suitable for pedestrians. There would be paths around the open space areas at the west end which are overlooked by houses on clear desire lines. An existing pedestrian link to the sports pitches to the north would be retained with a lockable pedestrian gate.
- 6.38 It would be possible to access the other parcel of land that forms part of the allocation to the south (different ownership) as the open space here would have sufficient space for a vehicular access should this come forward.
- 6.39 Overall, it would be easy to find your way around the development with a main dedicated footway and paths around open space areas, and a controlled crossing and footway widening would provide off-site connectivity in accordance with policy DM1 of the Local Plan, and as advocated by Sections 1, 2, and 3 of 'Maidstone Building for Life 12' (MBfL12).
- 6.40 However, the layout is, in effect a cul de sac and this aligns with the policy allocation. However, at the decision making stage, it is important, in terms of good design, to improve connectivity. Therefore a pedestrian gate and PROW route map is required by condition and a s106 head will be for the developer to use best endeavours to enable a link to the development with the PROW network with the KCC Public Rights of Way department.

Layout/Character/Identity

- 6.41 The draft policy requires a masterplan, rural vernacular, distinct character areas with variety in typologies, materials, landscaping and street scenes.
- 6.42 The Design & Access Statement (DAS) refers to three main character areas being the 'Arrival Square', 'Green Avenue' and 'Woodland Fringe'. I would agree these are areas with different character as they have the following features to define them:

'Arrival Square'

- 6.43 This has the highest density and the largest buildings being the 2.5 storey apartment block with retail below and doctors' surgery with a more urban grain. Behind these is a hard surfaced 'square' which includes parking for the retail use and is enclosed and defined by buildings that have active frontages on to the space. This will provide an arrival space within the scheme and provided quality surface materials, kerbing, and street trees are secured by condition it would ensure an attractive area in line with Section 5 of MBfL12. The building at the west end of this entrance which will be highly visible when entering the site will provide an 'end stop' and be fully faced in ragstone. The building enclosing the northern side has apartments above parking spaces

but these spaces are screened by false doors to provide an attractive elevation and these can be secured as timber by condition.

6.44 The density of this part and footprints of the frontage buildings (apartment block and surgery) are somewhat out of character with existing development to the north and south but the apartment block is articulated to the front with variations in the roof line, projecting gables set down from the roof, recessed sections, and different materials to break up its mass. It is designed to have the appearance of a series of terrace buildings rather than as a large block which I consider would be achieved. The appearance of the doctors surgery is not being considered but it is indicated it will be 2.5 storeys and with suitable articulation and materials at the reserved matters stage it could be designed to appropriately fit in.

'Green Avenue'

6.45 This area winds through the centre of the scheme following the main street. After the arrival square the street runs through an open space area with trees and SUDs basins where appropriate landscaping will be secured by condition to provide an attractive year round space. The street continues through and is a wide space due to the large set back of houses from the road (6-9m) which allows room for street trees and front gardens which are shown to be mainly enclosed by hedging. Buildings fronting the street are detached with space at first floor level of at least 5m but in most cases more. The set back of buildings and space between them was required by officers to ensure a spacious and attractive development.

'Woodland Fringe'

6.46 This is the lowest density area with the largest detached houses addressing the open space at the west end of the site. Houses are well spaced with some gaps of around 15-20m with generally large front gardens and native hedging. There are some exposed boundaries here because they face the public open space where fencing is proposed but ragstone walling would be more appropriate and secured by condition.

6.47 The layout of buildings within the site is generally made up of perimeter blocks with buildings fronting streets and turning/addressing corners either through siting and/or architectural detailing/windows so providing active or dual aspect frontages. There are instances of garden boundaries within the streetscene but these can be secured as ragstone walls in prominent locations by condition.

6.48 The residential proposals are for a net density (excluding open space areas) of approximately 26 dwellings per hectare (dph) which appropriately lowers towards the west edge. Policy DM12 sets out that for 'larger villages' residential development will be expected to achieve a net density of 30dph as does the draft policy in the LPR (LPRHou5). The proposals are therefore lower and this is appropriate particularly bearing in mind the westwards projection of the development. This is also borne out through the spacious nature of the development.

6.49 As stated above the proposals for 110 dwellings exceed the draft policy by 10 units and this does not include the separate parcel of land to the south which

is likely to be suitable for around 10 dwellings. The proposed yield is contrary to the site policy but the density is below those set out for 'larger villages' and importantly the layout is considered to be acceptable in design terms for the reasons set out above.

6.50 Overall, the layout is considered to be of high quality providing suitable connections, an arrival 'square', and spine road running through an open space area and onwards to the western open area to provide memorable features and a specific identity/character to the scheme. Buildings would generally be set well back from the road with front gardens and room for street trees, with spaces between buildings at first floor level and the scheme would provide an attractive place in accordance with policy DM1 of the Local Plan, and MBfL12. It would also comply with 'Design and Layout' part of draft policy LPRSA078.

Building Designs

6.51 There are a large variety of house types/designs which are mainly two storeys but there are three chalet bungalows proposed. They are 'traditional' in style with gables and hipped roofs. Good detailing and interest are provided through exposed rafter feet, arched brick headers above windows, raised brick courses between floors and plinths, decorative gable features, tile hanging, porches, bay windows, chimneys, and projecting gables. Materials include stock bricks, ragstone, clay tiles, and composite weatherboarding and all these details and materials will be secured by condition to ensure high quality. The designs are of good quality and are appropriate for the semi-rural location.

6.52 The Council's Conservation Officer originally raised concerns regarding the apartment block's design considering it would create a large dominant block to the front of the site with an urban character which would conflict with the setting of the Conservation Area (CA). I have carefully considered this but in my view the front of the site is too distant from the CA (200-280m) and this together with fairly significant built development between means it is not appreciated or seen in the context of the CA. For these reasons, I do not consider it forms part of its setting and so the apartment block does not impact upon or harm the CA.

6.53 Notwithstanding this, amendments were negotiated for a less 'urban' appearance and as stated above, the apartment block is now well articulated to break up its mass and so it appears as a series of terrace buildings rather than a single block. It will be 'traditional' in appearance with a fully hipped roof, barn hips, projecting gables and feature detailing including exposed rafter feet, raised brick courses between floors and plinths, arched brick headers above windows, and chimneys. Materials will be secured for stock bricks and clay tiles. Balconies are proposed on most apartments and these would be glazed so would have a 'light weight' impact on the appearance.

6.54 The appearance of the doctors surgery is not being considered but conditions can guide this in terms of expected articulation, materials and detailing to ensure it fits appropriately in the streetscene.

6.55 Five self-build units are proposed in outline form so their appearance and scale will be dealt with at reserved matters stage. The applicant has

submitted a 'Plot Passport' example for this area which sets some parameters to guide the reserved matters such as heights, set-backs, materials, and landscaping. This is appropriate and can be secured by condition. A legal agreement would be needed to ensure these plots are secured for self/custom build to deliver what is proposed and comply with the draft policy.

- 6.56 Hard surfaces are predominantly block paving for roads and parking areas which is appropriate and can be secured by condition. Front boundaries are generally open with hedging shown and any exposed boundaries are mainly ragstone or brick walls which is appropriate and can be secured by condition.
- 6.57 Refuse storage details have been provided which for houses would be in rear gardens/garages and for the apartments a dedicated bin storage area within the building.
- 6.58 Overall, the building designs are of good quality with the use of vernacular materials and detailing in accordance with policy DM1 of the Local Plan. They would also comply with draft policy LPRSA078.

Landscaping

- 6.59 A high level landscape masterplan has been provided which shows tree, hedge and wildflower planting along the site frontage which is appropriate. Within the housing areas properties are generally bounded by hedges to the front with areas of shrub planting in front gardens. Street trees are shown along the main spine road within grassed verges which means they have more space to grow and are not in private ownership but conditions will be required to ensure they are delivered alongside any services. The fundamentals of the masterplan are acceptable but a condition will be used to guide the fine details to include native trees, hedges, and shrubs, and more shrub planting in place of some grassed areas to provide more interest. Details for the planting of street trees and their ongoing mechanical irrigation will be secured.
- 6.60 For the areas beyond the housing there would be attenuation basins and linear swales and it will be important for the landscaping to provide year round interest in these areas which can be secured by condition. The basins would not be excessively large, deep (2.5m), or steep (1:3), and would have a permanent wetland depth of 0.5m so would be aesthetically acceptable subject to landscaping. Details of the native woodland planting along the north, west and south boundaries will be secured by condition as will the grassland areas, orchard and wildlife pond. Conditions will secure details of implementation and ongoing management.
- 6.61 Overall, it is considered the landscaping principles will provide a good quality environment and setting to the development and conditions can guide the details to ensure a high quality scheme is delivered in accordance with policy DM1 of the Local Plan. This would also comply with the landscape requirements of draft policy LPRSA078.

Impact on Conservation Area and Listed Buildings

- 6.62 The NPPF outlines at paragraphs 199 and 200, that great weight must be given to the conservation of designated heritage assets irrespective of

whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm requires clear and convincing justification. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.63 The Conservation Officer has provided advice and considers development of the front part of the site infilling the current open space would cause 'less than substantial harm' to the rural setting of the CA. As stated above, in my view the front of the site is too distant from the CA (200-280m) and this together with the intervening built development means it is not appreciated or seen in its context. For these reasons, I do not consider the site forms part of its setting and so the development does not impact upon the CA or its setting.
- 6.64 I agree with the Conservation Officer that Osborne House (GII listed) which is around 50m east of the northeast part of the site would have been constructed to allow for views over the open countryside to the west as this was free from development when it was built. Although there is already a house to its rear, low height buildings within the application site (not including mobile homes as they don't have permission), and a telecommunications mast, the undeveloped parts of the application site near to the building and further west do maintain some openness to its setting here. I therefore consider the introduction of more significant development to the rear of this listed building would cause some harm to its setting and this would be 'less than substantial harm' as considered by the Conservation Officer. In my view this would be a low level of such harm because the openness and thus significance of the rear setting has been partly eroded already.
- 6.65 As such, there is some conflict with criterion 1 of policy DM4 of the Local Plan which seeks development to conserve or where possible enhance heritage assets and their settings but the explanatory text refers to carrying out a weighting exercise in line with the NPPF where there is potential harm.
- 6.66 The NPPF at paragraph 202 advises harm should be weighed against the 'public benefits' of the proposal which can be anything that delivers economic, social or environmental objectives as set out in the NPPF. The public benefits that would flow from the proposed development would be economic in terms of contributing to the local economy with both direct and indirect construction jobs. The increased population would also contribute to the local jobs through expenditure in local shops and on local services. These carry moderate weight. Social benefits would arise from the provision for 110 dwellings including 44 affordable dwellings which would help to "support strong, vibrant and healthy communities" and contribute to the Government's aim to significantly boost the supply of housing. The provision of a much needed doctors' surgery would also support the local community's health well-being. The benefits arising from the delivery of housing, including affordable housing, and the doctors surgery attract significant weight.
- 6.67 I give special regard to the preservation of the setting of Osborne House and the development will further erode the openness causing a low level of harm.

However, in balancing matters it is considered the significant 'social' public benefits of providing 110 dwellings including affordable housing to meet ongoing housing needs on a draft housing allocation and the urgent need for a doctors surgery provide for clear and convincing justification for accepting some harm to the heritage asset, and these public benefits outweigh this low level of 'less than substantial harm' to Osborne House in line with Paragraph 202 of the NPPF.

Residential Amenity

Neighbouring Properties

- 6.68 The main potential impacts will be upon the dwelling 'Haven Farm House' to the north of the front part of the site, dwellings to the south at Haven Close and others to the south, and those dwellings to the northeast.
- 6.69 In terms of privacy and overlooking, the apartment block would not have any windows on the north flank elevation facing Haven Farm House. There are three roof lights in the north roof slope and to prevent any overlooking of the immediate rear amenity area of this property, which has a main patio adjoining the south side of the house and a swimming pool, they will be set at least 1.7m above inside floor level and this will be secured by condition. The balcony to the front of the apartment block is set back from the north flank of the building sufficiently so no loss of privacy to the rear area would occur to the north. The rooflight balcony is even further north and would not affect privacy.
- 6.70 The nearest first floor window to Haven Farm House is on plot 12 and would be around 18m from the boundary with this property and 30m from the dwelling itself. This is a bathroom window which can be conditioned to be obscure glazed with high opening only. The next nearest window would serve a living area and would be 18m from the boundary of the garden and around 32m from the dwelling. At this distance I do not consider there would be any unacceptable overlooking or loss of privacy to the dwelling. The main patio area for this property would be over 25m from first floor windows and at this distance I do not consider any unacceptable overlooking would occur. The swimming pool is closer but any views would be at a more oblique angle and over 21m away and therefore no unacceptable loss of privacy would occur. A small decking area next to the pool would not be overlooked as it is adjacent to the existing boundary fence. The remainder of the garden would have windows either 18m or 9m away with conifer trees between for the closer windows and any limited impact on the rest of the garden is not unacceptable. As such the house will have sufficient privacy and a suitably private amenity area to the immediate rear.
- 6.71 In terms of light and outlook for Haven Farm House, the apartment block would be roughly in line with the front and rear of this property and as it has no south flank room windows there would be no impact on light or outlook for the dwelling. Rear facing windows would not be harmfully affected. The rear lounge has large glazing areas on the south and west sides and this together with the distance away of around 15m means it would not suffer from any unacceptable loss of day or sunlight. The apartment block would cause some overshadowing of the swimming pool and rear amenity area but this would not result in a poor standard of amenity or poor living conditions. Plots 12/13 would be a sufficient distance away so as not to harmfully affect

light or outlook to this dwelling or its rear amenity area. Any other proposed houses near to the boundaries of this property would be a sufficient distance away so as not to harmfully affect light, privacy, or outlook.

- 6.72 There would be a car park near to the rear garden of Haven Farm House serving 13 properties which would be set off the boundary. This would cause some noise and disturbance but it would not be constant and vehicles would be moving/manoeuvring at low speeds so I do not consider this would result in unacceptable impact upon amenity. The delivery area for the retail unit is over 20m from this property with fencing proposed between and would not result in any unacceptable impact upon amenity. Delivery hours can also be controlled to ensure this doesn't occur overnight. Details of any plant or equipment for the retail unit can be secured by condition to ensure no harmful impacts.
- 6.73 For 6-12 Haven Close to the south it will necessary that the doctors surgery, the details of which will be known at the reserved matters stage, does not cause a loss of privacy to these properties which can be guided by condition. Otherwise the nearest dwelling (plot 29) would not have any windows facing Haven Close. People using the north part of the outline area for the surgery car park and walking to and from it would have views towards the rear windows of 6-10 Have Close. However, these windows can already be overlooked by neighbours within their rear gardens to a degree, any direct views would be from over 17m away, and some existing trees would break views so this is considered to be acceptable.
- 6.74 For the dwelling 'Maseline' immediately south of the proposed car park area, this property has two small first floor windows facing the site but these are obscure glazed so no loss of privacy would occur. The car park can be laid out at reserved matters stage to avoid any loss of privacy to the rear windows of this property. Other properties to the south would be a sufficient distance away so as not to harmfully affect privacy. There would be some noise and disturbance from vehicles using the car park but there is space to ensure the car park does not abut any boundaries and on this basis I do not consider use of the car park would harm amenity.
- 6.75 For the nearest dwellings 'Kelvin' and 'North Street Cottages' to the northeast, proposed houses would be at least 26m away so there would be no unacceptable impact upon privacy, light, or outlook here.

Future Residents

- 6.76 All proposed houses would have sufficiently sized rear gardens that would benefit from suitable outlook and privacy. All but three of the flats within the apartment block would have balconies to provide some outdoor space. The three without balconies are to ensure there would be no overlooking of the neighbouring property. Ten flats without gardens would have a communal 9m x 10.5m outdoor space with seating adjacent to provide an amenity area, which could also be used by other residents.
- 6.77 Residents would also have access to open space areas on site including a small play area for children and easy access to the recreation ground on the opposite side of the road by the village hall.
- 6.78 Overall it is considered the development would not result in an unacceptable impact upon privacy, light, or outlook of any neighbouring properties or result

in excessive noise or disturbance in accordance with policy DM1 of the Local Plan and new residents would benefit from sufficient amenity. This would also comply with draft policy LPRSA078.

Highways

6.79 KCC Highways have no objections to the proposed access, changes to the road width to accommodate it, or the toucan crossing in terms of safety or traffic impacts. These would all be secured by condition prior to the occupation of the development.

Traffic Impacts

6.80 The applicant has assessed traffic from the development at the A274/Warmlake Road/Chartway Road, Sutton Road/Willington Street/Wallis Avenue, and the A274/Leeds Road/Plough Wents Road junctions, as these would be most affected by the development. The evidence predicts these will remain within their capacity (which KCC Highways agree), apart from the A274/Leeds Road/Plough Wents Road junction.

6.81 For this junction, the evidence predicts two arms (Leeds Road and Plough Wents Road) will be over capacity in 2027 without the development in the AM peak (10% and 9% over) and one arm (Plough Wents Road) in the PM Peak (11% over). With the development traffic this would increase to 21% and 15% in the AM and 16% in the PM peaks respectively. Therefore, KCC Highways have requested the applicant seeks mitigation and they have produced a design for changes to the junction.

6.82 The proposed changes essentially introduce a northbound right hand turn lane towards Leeds Road with some limited widening to accommodate this. With this scheme the impact would be reduced to a 17% and 12% over capacity in the AM and 13% in the PM peaks respectively. This equates to an increase of 7 more vehicles queuing on Leeds Road and 2 more on Plough Wents Road in the AM peak, and 2 and 3 more in the PM peak in 2027. This is not considered to be a significant increase on the capacity or queuing at the junction that will occur without the development.

6.83 Importantly the main arms of the junction (A274) would see some improvements and not be significantly affected from what they would be without the development. Queuing lengths would be reduced northbound by 7 vehicles and southbound increased by 1 in the AM peak and reduced northbound by 10 and would be the same southbound in the PM peak.

6.84 KCC Highways have raised the issue that they will be increased delays on some arms of the junction but raise no objections stating, *"it is accepted that the delays stated are generated from the increase in queue lengths demonstrated on the minor arms (B2163 – Plough Wents Road and Leeds Road) whilst improvements/stabilisation are seen on the A274 arms. It is therefore considered that the proposed scheme delivers suitable improvement to the primary route."*

6.85 The junction works have also been subject to an independent Stage 1 Road Safety Audit and following responses to this from the applicant, KCC have raised no objections in terms of highway safety.

- 6.86 These junction works are considered to be necessary to mitigate the impact of the development and the costs, which will be agreed with KCC Highways, will be secured by a legal agreement to ensure delivery. Payment will be secured early on to enable delivery as soon as possible.
- 6.87 KCC Highway have requested a financial contribution (amount not stated) towards the 'A274 Sutton Road/Willington Street junction improvement scheme'. The predicted impact of the development on this junction from the development, with which KCC Highways agree, is insignificant and so does not justify a financial contribution. In addition, there is already section 106 funding held by MBC and KCC to improve this junction.
- 6.88 The A247 has a 30mph speed limit outside the site and traffic speed management measures (virtual speed bumps) were explored in line with the draft policy. However, KCC Highways advised that based on DfT guidance and Section 81 & 82 of the Road Traffic Regulation Act 1984, as North Street has street lighting the installation of repeater signage or roundels is prohibited.

Public Transport

- 6.89 There are existing bus stops outside the site and the Maidstone-bound stop would be moved just north of the new access. The service provides a mainly half hourly to hourly frequency to Maidstone and whilst some representations do not consider it is a good service and is sometimes full, it is considered to provide a sufficient opportunity for public transport use.
- 6.90 It is considered that a Travel Plan, to include a welcome pack with information on buses, pedestrian and cycle network and bus vouchers, is necessary for this scale of development with an aim to reduce vehicle trips and promote sustainable travel in line with policies SP23 and DM21 of the Local Plan and the NPPF. This will be secured by condition a monitoring fee secured under a legal agreement.

Parking

- 6.91 There would be 200 parking spaces for 105 dwellings and all properties would have parking spaces to meet the Council's standards. This is 1 space for 1/2 bed apartments, 1.5 spaces for 1/2 bed houses, and 2 spaces for 3/4 bed houses. Many would have 2 spaces in tandem where the parking standards seek independently accessible spaces but an overprovision of 7 visitor spaces (28 in total) are proposed if there was some overspill and I do not consider this would lead to any highway safety issues. Bike storage would be provided for all properties and cycle parking for two bikes outside the retail unit is proposed which is acceptable and will be secured by condition. EV charging is now dealt with under the Building Regulations.
- 6.92 There would be 10 parking spaces including 2 accessible spaces for the retail use where the standards seek a maximum of 24. These are maximum standards and as this is a relatively small retail space that is accessible by foot within the village, this is acceptable. A space for delivery vehicles would be to the rear.
- 6.93 The surgery would have up to 50 spaces and with the standards being maximums this is considered to be a sufficient number for the footprint proposed (1,500m²) and accords with the draft allocation policy.

Biodiversity

Protected Species

- 6.94 Protected species present at the site are bats and surveys have been carried out. KCC Ecology originally raised some issues with the extent of the surveys but advised that provided dark corridors along the boundaries, and around trees with bat roosting suitability can be provided they are satisfied with the submissions. Most of the corridors would have new tree planting and large buffers to houses but KCC Ecology have some concerns regarding the proximity of parts of the corridors to residential gardens. However, they advise the areas of most concern are relatively small and provided the applicant is able to provide dark corridors along the boundaries, and around trees with bat roosting suitability within their lighting strategy, significant negative effects upon roosting, commuting/foraging bats are considered unlikely. This means the use of sensitive lighting in these areas and ensuring light levels are in accordance with UK guidelines which can be secured by condition. The condition can also prevent the installation of further lighting in these sensitive areas. This is in accordance with policy DM8 of the Local Plan.
- 6.95 Otherwise the surveys recorded no other protected species at the site and precautionary measures are proposed for breeding birds and hedgehogs. There is a badger sett at the site and this would potentially be affected by proposed swales. If the sett is confirmed to be active from camera trapping results, a license will need to be obtained prior to the commencement of works within this area and the on-site sett will need to be closed. I agree that given the extent of habitat planting proposed towards the west part of the site, in the event that a replacement sett is required, there is sufficient space to incorporate this. Conditions can ensure this process is followed.
- 6.96 A local resident has stated there is a pond nearby where frogs, toads and snakes have been observed. KCC Ecology have seen a photograph of this small pond and advise the likelihood of it supporting breeding Great Crested Newts (GCN) is negligible due to its size, surrounding habitat, and vegetation visible in the water. This, in addition to the lack of suitable ponds connected by suitable habitat to the site, makes the likelihood of GCN occurring on-site very low. In terms of snakes, reptile surveys were undertaken on-site and did not find any evidence of reptiles. Nevertheless, KCC Ecology advise that very low numbers of reptiles can be difficult to detect during survey, particularly during the summer months and it is likely that very low numbers of reptiles are making use of suitable habitats on-site based on information supplied by neighbours. KCC advise the proposals include a wildlife pond, and other habitats that would be suitable for grass snake and common toads. Where areas of habitat need to be cleared on-site that have suitability for grass snake/ other reptiles, a precautionary method statement is recommended which can be required by condition.
- 6.97 A local resident has also questioned the age of the surveys which were carried out in Summer/Autumn 2021. KCC Ecology have specifically been asked to consider this and advise the surveys are sufficient. The proposals are considered to be in accordance with policy DM3 of the Local Plan.

Biodiversity Net Gain

- 6.98 Whilst Biodiversity Net Gain (BNG) is not mandatory until January 2024 the applicant is proposing 20% to align with the draft LPR. A BNG Assessment has been submitted which demonstrates there would be a net gain of just over 20% for 'habitats' and a 56% gain for 'hedgerows' post development on site. In simple terms this is demonstrated through establishing habitats and hedges both pre and post development and then using the Natural England metric, at the time of the submission of the application, to calculate the change. For habitats this is achieved through replacing existing habitat on site and creating higher quality habitats, and for hedgerows through increasing the amount of them on site and also improving those that exist.
- 6.99 KCC Ecology have raised a number of queries of the BNG assessment over the course of the application and after responses from the applicant are satisfied the assessment is accurate and the BNG can be delivered. They also considered issues raised by a local resident in relation to the calculations. The local resident has more recently questioned the calculations based on 11 mobile homes at the site not benefitting from planning permission and other structures without permission, and so the baseline calculation should be different (e.g. potentially being grassland instead of hard surfacing). The applicant has responded that the mobile homes sit upon hard surfacing so would not make a difference which I consider is appropriate. The applicant also makes the point that there is more hard surfacing now which has been carried out under permitted development rights. I am satisfied with the calculations as are KCC Ecology and ultimately a condition will be attached to require that a BNG Management Plan is submitted to deliver the BNG including management and monitoring for 30 years.

Infrastructure, Open Space, Doctors Surgery and Affordable Housing

- 6.100 Policy DM20 states that residential development that would generate a need for new community facilities or for which spare capacity does not exist will not be permitted unless the provision of new, extended or improved facilities, or contributions towards such provision is secured either through legal agreements or the Community Infrastructure Levy (CIL).
- 6.101 Kent County Council have requested financial contributions towards primary (£389,928) and secondary (£381,360) education, community learning (£1,707.68), youth services (£6,812), libraries (£5,766.80), social care (£15,275.52), and waste (£5,664.88). The development itself is not of a scale to require a specific 'item' of infrastructure such as a new form of entry for primary or secondary schools and so would have an impact cumulatively with other development upon the infrastructure listed above. On this basis the use of CIL is considered appropriate for this infrastructure and it is noted in the Infrastructure Delivery Plan submitted alongside and to support the LPR, that further primary school capacity for the 'larger villages' is identified and also secondary school capacity. The actual amount of CIL monies can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved but for information purposes the development would be likely to pay in the region of £830,000 based on the proposed floorspace.
- 6.102 In terms of open space, the draft allocation policy seeks 0.9ha of semi-natural open space the principle focus of which is to create new woodland and BNG and 0.35ha of amenity land including children's play

space. The proposals are for around 0.75ha of woodland which would be bounded by around 0.2ha of mixed scrub. Whilst scrub is not woodland per se it is often found on the edge of woodland and is considered appropriate to provide a transition and contributes to BNG. Amenity land of around 0.35ha would be provided along with a children's play area.

6.103 Policy DM19 sets out open space standards and other categories including outdoor sports and allotments using a formula. The Council's Parks and Open Spaces section have calculated the development is around 0.5ha short of the open space requirements and seek an off-site contribution of £353.49 per unit (£38,883) to make up the shortfall. They have stated this would be used for "the provision of, or improvement, refurbishment and maintenance of, existing sports facilities or equipped play facilities or to improve/provide natural open space features, biodiversity improvements, tree planting and access improvements footpaths/signage" within one mile of the development. They have clarified these are the Chart Sutton Recreation Ground; Sutton Valence Recreation and Sports Ground; Tumblers Hill Amenity and Natural Open Space (also referred to as Bowhalls Greenspace); and The Harbour & Sutton Valence Playing Field (Including Jubilee Field). All these sites are managed and maintained by the Parish Councils.

6.104 As the draft site policy specifically states that, where it is not feasible, due to site characteristics, to provide all open space typologies, the scheme shall make appropriate financial contributions towards off-site provision/public realm improvements within the village, it is considered that a legal agreement to secure this financial contribution is appropriate. I consider the Chart Sutton Recreation ground is too distant from the site but the others are in Sutton Valence and are more accessible from the site. They have a mix of open space types to which the contribution could be used to mitigate the additional pressure from new residents. This would pass the relevant tests of being necessary to make the development acceptable, directly related to the development, and fairly and reason related in scale and kind to the development (Regulation 122 of the CIL Regulations)

6.105 It is necessary for the doctors surgery land to be protected for that use only for a reasonable period of time (5 years) and transferred at nil cost to allow this to come forward due to the urgent need and this being a requirement of the draft policy. A legal agreement will therefore secure this and the final wording will be agreed with the NHS.

6.106 Affordable housing is proposed at 40% (44 dwellings) in line with existing and emerging policy which includes a mix of 1, 2, 3 and 4 bed properties. The mix of sizes is in general alignment with the ranges set out in the Council's Affordable Housing SPD apart from a slight under provision of 3 bed houses by 3 units but this is not considered to be unacceptable. The provision of 25% First Homes is set as mandatory by the Government and after this the remainder is split in line with the indicative targets under policy SP20 being a 70/30 (affordable rent/shared ownership) split. This equates to 25% First Homes, 53% affordable rent, and 22% shared ownership which will be secured under a legal agreement. The affordable housing is located towards the front of the site and in the northeast corner and is integrated with the private housing and would be 'tenure blind' which is acceptable and is in accordance with policies SP19 and SP20.

6.107 It is also considered appropriate to have a mechanism within the legal agreement for the applicant to use reasonable endeavours to provide a post office service within the retail floorspace. The Council cannot insist or make this happen as it is a business decision but this will help to facilitate the potential replacement of this community facility in line with policy DM20.

Other Matters including Drainage, Consultees and Representations

6.108 Surface water drainage would be dealt with through the use of swales and storage ponds and a deep bore soakaway to deal with the worst rainfall events. KCC Flood and Water Management have reviewed the proposals and following clarification on matter raise no objections subject to conditions. Foul drainage would be into the existing system on North Street and Southern Water have advised there is sufficient capacity to service the development.

6.109 In terms of minerals safeguarding, the site is situated upon land as being safeguarded for sandy limestone or ragstone. The applicant's mineral assessment considers that due to the buffers required to residential properties, the area left over for mineral extraction would be too small to be economically viable. KCC Minerals & Waste have reviewed the assessment and raise no objections and I have no reasons to disagree with their advice. Their comments on the LPR were also that the potential mineral yield is too limited in all probability to enable a viable prior extraction of the safeguarded mineral. The proposals are therefore in accordance with policy DM7 (1 & 2) of the Kent Minerals and Waste Plan.

6.110 KCC Heritage recommend conditions requiring archaeological field evaluation, recording, reporting, and post excavation assessment, which are considered necessary.

6.111 Environmental Health recommend conditions relating to a construction method statement (noise, vibration and dust), noise levels for new properties, lighting, air quality mitigation, EV charging, and contamination. In terms of air quality Environmental Health do not consider an air quality assessment is required due to the scale of the development and is distance from the nearest air quality management area in Maidstone town centre but that an Air Quality Emissions Reduction condition should be applied. On balance, I consider a condition is justified to reduce any air quality impacts even if they are limited. EV charging measures are dealt with under the building regulations. Any impacts from construction are generally outside the consideration of the application, would be temporary, and are covered by Environmental Health legislation.

6.112 Other representations not relating to matters considered above include loss of Grade 2 farmland, solar panels and ground source heat pumps, Japanese knotweed, and disruption from construction.

6.113 The site falls upon Grade 2 agricultural land according to Natural England's land classification maps. This must have been a factor in the allocation of this site in the first place but has been allocated nevertheless. These are high level maps which are not accurate to individual fields or sites but the applicant has not provided an assessment of the site itself so it must be assumed it is Grade 2, which falls within the 'best and most versatile' (BMV)

category. There is no policy in the Local Plan which specifically protects this apart from when a change of use of land to domestic garden is proposed but there is a monitoring target to avoid the loss of such land. The NPPF refers to recognising economic and other benefits of the BMV land. This matter has not been raised as a potential barrier to the site being allocated by the Local Plan Review Inspector but prior to adoption of the LPR its loss is a factor that weighs against the development.

- 6.114 The applicant proposes to provide 10% of the energy requirement by on site renewable energy technology or low carbon energy but this is not clarified further. Whilst there is no Local Plan requirement to provide renewable energy generating sources this is being offered by the applicant and a condition can require these details which is likely to be the use of PV panels and/or air source heat pumps.
- 6.115 Matters relating to Japanese knotweed are covered by other legislation if it is present at the site. As stated above, any impacts from construction are generally outside the consideration of the application, would be temporary, and are covered by Environmental Health legislation.

PUBLIC SECTOR EQUALITY DUTY

- 6.116 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7 CONCLUSION

- 7.01 The site is located outside the defined settlement of Sutton Valence in the adopted Local Plan. It is therefore within the 'countryside' for Local Plan purposes where policy SP17 applies and states, "*Development proposal 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.*"
- 7.02 There are no other policies in the Local Plan which allow for major housing development outside defined settlements and the change from largely undeveloped fields will inevitably cause harm to the character and appearance of the area. The proposals are therefore contrary to Local Plan policies SS1 (Spatial Strategy) and SP11 (Larger Villages) in terms of proposing major housing development outside any settlement and policy SP17 and DM30 in terms of causing harm to the character and appearance of the countryside.
- 7.03 Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

- 7.04 Any decision not in accordance with the Development Plan requires clear justification. Material considerations include the draft LPR and allocation of the site for housing, retail, and a doctors surgery.
- 7.05 As outlined in the report, draft site policy LPRSA078 is considered to attract moderate weight but the proposals would result in a dwelling yield of at least 20% above that allocated and so are contrary to the policy in this respect. The site is perpendicular to Sutton valence and extends significantly westwards, however, and in the context of the allocation, the landscape impact, layout, and design quality is considered to be acceptable.
- 7.06 Based on the NHS stating the surgery is needed to provide capacity for growth in the Langley/Sutton Road area; this need being identified 4 years ago in which time patients numbers have continued to increase and will continue to do so; the local practices operating at peak capacity with stated problems for their operation and having to use a mobile building; the Council having identified the need for a new premises for southeast Maidstone and selecting 'Haven Farm' as the site to deliver this in the LPR; and it being identified within the Council's Infrastructure Delivery Plan to "respond to growth in the Langley/Sutton Road/Sutton Valence area", it is considered there is an urgent need for a doctors surgery and this is a material consideration that attracts significant weight.
- 7.07 The development would cause a low level of 'less than substantial harm' to the setting of the Grade II listed Osborne House and whilst giving great weight to this, in balancing matters it is considered the significant 'social' public benefits of providing 110 dwellings including affordable housing to meet ongoing housing needs on a draft housing allocation and the urgent need for a doctors surgery provide for clear and convincing justification for accepting some harm to the heritage asset, and these public benefits outweigh this low level of 'less than substantial harm' to Osborne House in line with Paragraph 202 of the NPPF.
- 7.08 In the absence of any evidence to the contrary the proposals result in the loss of the 'best and most versatile' Grade 2 agricultural land which the NPPF recognises the economic benefits of. This matter has not been raised as a potential barrier to the site being allocated by the LPR Inspector. Prior to adoption of the LPR its loss weighs against the development but is not considered of sufficient weight to refuse permission.
- 7.09 The two matters of moderate weight to the Local Plan Review policy allocation LPRSA078 together and the urgent need for a doctors surgery which attracts significant weight are together considered to represent material considerations of sufficient weight to outweigh the conflict with the Development Plan. The social benefits from the delivery of housing including affordable housing also attract significant weight in favour of the development.
- 7.10 Otherwise the development complies with all other relevant Development Plan policies and suitable mitigation is secured by conditions or a legal agreement where necessary.
- 7.11 For these reasons planning permission is recommend subject to conditions and a legal agreement.

EIA Screening

EIA Development	Yes
Comments	<p>Whilst the proposals fall within Schedule 2 (10b) of the Regulations and exceed the applicable threshold of a 5ha site, the NPPG acknowledges that only a “very small proportion” of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a ‘sensitive area’ defined under the EIA Regulations.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.</p>

8 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

Legal Agreement to require prior payment of monitoring fees of £6,885.

HEADS OF TERMS

- a) The ‘Doctors Surgery Land’ for which outline permission is hereby approved to be secured for such use for 5 years from the date of permission and transferred to the NHS (or other appropriate body) for nil cost following the grant of reserved matters for the doctors surgery. (Final wording to be agreed in consultation with the NHS.)
- b) A financial contribution of £38,883 to be used for the provision of, or improvement, refurbishment and maintenance of, existing sports facilities or equipped play facilities or to improve/provide natural open space features, biodiversity improvements, tree planting and access improvements footpaths/signage at the Sutton Valence Recreation and Sports Ground, and/or the Tumblers Hill Amenity and Natural Open Space (also referred to as Bowhalls Greenspace), and/or The Harbour & Sutton Valence Playing Field (including Jubilee Field).

- c) A financial contribution (to be agreed by officers in consultation with KCC Highways) to cover the costs of the works to the A274/Leeds Road/Plough Wents Road junction as shown on drawing no. H-03 RevP3.
- d) 40% affordable housing provision (44 dwellings) with a tenure split of:
 - 53% affordable rent (23 dwellings)
 - 25% First Homes (11 dwellings)
 - 22% shared ownership (10 dwellings)
- e) A financial contribution (to be agreed by officers in consultation with KCC Highways) to cover the costs of monitoring the Travel Plan.
- f) To secure the self/custom build units for this purpose only.
- g) To require the landowner to use reasonable endeavours to facilitate the provision of pedestrian routes to PROW KH498 and KH550 from the site in liaison with the Kent PROW Department.
- h) To require the landowner to use reasonable endeavours to facilitate the provision of a post office service within the retail floorspace.

CONDITIONS:

Time Limit (Full Permission)

1. The full detailed element of 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.

Time Limit (Outline Permission)

2. The outline elements of the development hereby approved (doctors' surgery and self/custom build) shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

(a) Appearance (b) Scale (c) Landscaping (c) Layout

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The outline development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Outline Parameters

3. The reserved matters details in relation to the doctors surgery submitted pursuant to condition 2 shall follow the principles of the 'Doctors Surgery Design Code' document and include the following:
 - a) The building set back from the front of the application site with the A274 by at least 15m.
 - b) No windows in the south elevation unless obscure glazed with high opening only.
 - c) The use of articulation, materials, and detailing to break up the mass of the building.
 - d) The use of vernacular materials being stock bricks, ragstone, and clay roof tiles.
 - e) The use of native landscaping.

Reason: To ensure the development is in keeping with the character of the local area and protects neighbouring amenity.

4. The reserved matters details in relation to the self/custom build properties submitted pursuant to condition 2 shall follow the following parameters:
 - a) Buildings set back to provide room for front gardens with tree planting.
 - b) No buildings over two storeys in height.
 - c) The use of vernacular materials being stock bricks, ragstone, and clay and/or natural slate roof tiles.
 - d) The use of native landscaping.

Reason: To ensure the development is in keeping with the character of the local area.

Approved Plans & Compliance

5. The development hereby permitted shall be carried out in accordance with the drawings listed on the 'Submission Drawings and Documents' (October 2023) list received on 10th October 2023.

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

6. The approved vehicle parking/turning areas shall be completed before the commencement of the use of the land or buildings to which they relate 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.

7. The approved cycle parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

8. All planting, seeding, and turfing specified in the approved landscape details shall be carried out in the first planting season (1st October to end of February) following the first occupation/use of the building(s) to which they relate, or in the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification. Any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To ensure an appropriate appearance and setting to the development.

Pre-commencement

9. No development shall take place until a Phasing Plan for delivery of the development has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include:
 - a) Phase(s) for the detailed element to include early delivery of the retail unit.
 - b) The doctors surgery and parking (outline) element to allow delivery as early as possible.
 - c) The custom/self-build (outline) element.

The development shall then be implemented in accordance with the approved Phasing Plan.

Reason: In the interests of ensuring that the development is carried out in a coordinated manner.

10. No development shall take place until a Biodiversity Management Plan (BMP) to ensure a minimum 20% net gain in habitat units and 56% net gain in hedgerow units across the site in line with the 'Preliminary Biodiversity Net Gain Assessment' (February 2023) has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include:
 - a) Detailed proposals for each phase for biodiversity net gain as shown within the 'Preliminary Biodiversity Net Gain Assessment' (February 2023).
 - b) A 30 year management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance

schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of the development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: To ensure measurable net gains to biodiversity.

11. No development shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:

- a) Measures to minimise the production of construction, demolition, and excavation waste.
- b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

The development shall be carried out in accordance with the approved details.

Reason: To comply with the Kent Minerals and Waste Local Plan.

12. No development shall take place (including ground works and vegetation clearance) 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) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The 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.
- i) Results of further surveys carried out for badger and where necessary any mitigation and the details of the appropriate licence from Natural England.

The CEMP will need to include precautionary methodology to protect hedgerows/trees (and/or reference to the arboricultural method statement), bats, reptiles, badgers, breeding birds and hedgehogs as indicated within the submitted Ecological Assessment by Bakerwell, dated September 2022 and the Letter from Kent County Council Ecological Advice Service dated 8th December 2022.

The approved CEMP (Biodiversity) shall be strictly adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any impacts of development activities are mitigated.

13. No development shall take place within any phase until details of the proposed levels of the development and ground levels together with existing site levels shown at 0.5m contour intervals for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure buildings are cut into the ground to reduce their impact and avoid land raising. The development shall be completed strictly in accordance with the approved levels.

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

14. No development shall take place until the applicant, or their agents or successors in title, has provided the following:

- a) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
- b) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- c) If required a programme of post excavation assessment and publication.

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

15. No development shall take place within any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Technical Note in response to LLFA Planning Comments (28/11/22) and the Flood Risk Assessment (23/09/22) prepared by CTP Consulting Engineers and 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 without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

Pre-Slab Level

16. No development above floor slab level within any phase shall take place until details of hard surfaces for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall include the following:

- a) Block paving for all driveways, parking areas, and roads as shown on drawing no. 2973.C.1005.PL RevF.
- b) Details of high quality kerbing for the 'arrival square'.
- c) Resin bound pathways in open space areas.

Reason: To ensure a high-quality development.

17. No development above floor slab level shall take place within any phase until details of all fencing, walling and other boundary treatments for that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land to which they relate and maintained thereafter and shall include the following:

- a) Ragstone walls for the main boundaries visible from public areas for plots 18, 30, 31, 34, 35, 40, 43, 47, 49, 50, 52, 71, 82, 86, 90, 91, 92, 93, 95, 96, 97, 99, 100, 101, 103, and 105.
- b) Timber post and rail fencing at the frontage with the A274.

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

18. No development above floor slab level shall take place until a written statement of public art to be provided on site, in the form of a Public Art Delivery Plan in line with the thresholds set within the Public Art Guidance has been submitted to and approved in writing by the local planning authority. This should include the budget, locations of public art, the timetable for provision, and ongoing maintenance. The development shall be carried out in accordance with the approved details.

Reason: To provide a sense of place.

19. No development above floor slab level shall take place until details of the equipment, furniture and bins for the play area and a timetable for its delivery have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter maintained in line with the approved timetable.

Reason: To ensure quality areas of public space.

20. In relation to the full detailed element of the development, no development above floor slab level shall take place until a detailed landscaping scheme which shall follow the principles of the Landscape Masterplan and be 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 include a planting specification, a programme of implementation and a long-term management plan and provide the following:

- a) Native trees and double staggered hedging along the site frontage.
- b) Native street trees.
- c) Native double staggered hedges to the front of properties to define front gardens.
- d) Increased native shrub planting in place of grassed areas.
- e) Native planting within the SUDs features to ensure year-round interest.
- f) At least 0.9ha of native woodland to include areas of mixed scrub.
- g) Woodland buffers of at least 10m along the site boundaries between plots 38 and 110.

The development shall be carried out 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.

21. No development above floor slab level shall take place until the details for the planting of street trees including details of services, tree pits, and mechanical irrigation measures which shall follow BS 8545:2014, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development.

22. No development above floor slab level shall take place until, a scheme to demonstrate that the internal noise levels within the residential units 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, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall be carried out prior to occupation of the premises to which they relate and be retained thereafter.

Reason: To ensure adequate amenity levels for residential units that may be affected by the commercial uses.

23. No development beyond slab level shall take place until full details of the ecological enhancements and their delivery have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and measures which shall include the following:

- a) Bat, bird, and bee bricks.
- b) Reptile and amphibian hibernacula/log/brush piles and hedgehog nest boxes.
- c) Measures to allow hedgehogs to move through the development.

Reason: To enhance biodiversity.

24. No development above floor slab level for any phase shall take place until written details and samples/images of the materials, to be used in the

construction of the external surfaces of the buildings for that phase have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Multi stock bricks with variation in colour and texture.
- b) Clay roof tiles for all buildings.
- c) Clay hanging tiles for buildings approved with hanging tiles.
- d) Kentish ragstone for buildings approved with ragstone.
- e) Timber false doors for plots 12 and 13.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

25. No development above floor slab level shall take place until photographs of a sample panel of the Kentish ragstone for the buildings and walls (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

26. No development above slab floor level for any phase shall take place until details of the proposed renewable energy measures for that phase have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

27. No development beyond slab level for the detailed element shall take place until, large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority:

- a) Recessed windows of at least one bricks depth.
- b) Exposed rafter feet.
- c) Arched brick headers.
- d) Raised brick courses between floors and as plinths.
- e) Decorative gables.
- f) 'Fishscale' tile hanging details.
- g) Corbel brick detailing.

The development shall be constructed in accordance with the approved details.

Reason: To ensure a high-quality development.

28. No development above floor slab level on any phase shall take place until details of any external utility pipes and paraphernalia on the elevations of buildings have been submitted to and approved in writing by the local planning authority for that phase. Any external features shall be sited and coloured to minimise their impact. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

29. No development above floor slab level for any phase shall take place until a "lighting plan for biodiversity" has been submitted to and approved in writing by the local planning authority for that phase. The lighting plan shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around potential roost sites or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed, as well as the expected light spill in lux levels which shall be no higher than 0.2 lux on the horizontal plan and 0.4 lux on the vertical plan, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

Reason: To prevent a harmful impact upon bats.

30. No development above floor slab level for any phase shall take place until details of all external lighting has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: In the interest of protecting residential amenity.

Pre-Occupation

31. The development shall not be occupied until the following off-site highway works have been provided in full:

a) A toucan crossing across the A274 as shown on drawing no. H-04 RevP2 (19/09/23).

b) Alterations to the A274 to facilitate the access as shown on drawing no. H-04 RevP2 (19/09/23).

c) Pavement widening on the east side of the A274 as shown on drawing no. H-04 RevP2 (19/09/23).

Reason: In the interest of highway safety.

32. The development shall not be occupied until the access as shown on drawing no. H-04 RevP2 (19/09/23) has been provided and thereafter the visibility splays within the application site shall be kept free of obstruction above a height of 1 metre.

Reason: In the interest of highway safety.

33. The development shall not be occupied until details of pedestrian gates to allow access to the public rights of way network and information boards on local public rights of way have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of connectivity and active travel.

34. No occupation/use of the retail floorspace shall take place until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of residential amenity.

35. No phase of the development shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority for that phase. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant.

36. No dwelling shall be occupied until any bathroom or toilet window on that dwelling has been fitted with obscure glazing and they shall be incapable of being opened except for a high-level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of neighbouring properties and to safeguard the privacy of prospective occupiers.

37. No phase of the development shall be occupied until a Travel Plan which shall include a welcome pack with information on buses, pedestrian and cycle networks, and the provision of bus vouchers, has been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved Travel Plan(s).

Reason: To promote sustainable transport use.

38. The development shall not be occupied until details of measures to prevent use of the emergency access other than by emergency vehicles, pedestrians, and cyclists has been submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

39. The development shall not be occupied until details of measures to enable access to the school sports pitches to the north of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of connectivity.

40. The development shall not be occupied until, a scheme detailing and where possible quantifying what measures or offsetting schemes to be included in the development which will reduce the transport related air pollution of the development when in occupation, has been submitted to and approved in writing by the local planning authority. The details shall have regard to the DEFRA guidance from the document 'Low Emissions Strategy - Using the planning system to reduce transport emissions January 2010'. The approved scheme shall thereafter be carried out.

Reason: Due to the scale of the development and to reduce any air quality impacts.

41. All commercial buildings shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation of any commercial building.

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

Compliance/Restrictions

42. 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 interest of human health.

43. 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 and approved in writing to the Local Planning Authority to demonstrate that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

44. The development shall be carried out in accordance with the tree protection measures outlined in the Arboricultural Implications Assessment and on the tree protection plan (Appendix 5).

Reason: To protect retained trees.

45. The retail floorspace hereby approved shall only be used for Use Classes E(a) and/or use for mail postal services and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To comply with the draft site policy and other uses may not be suitable at the site.

46. No activity in connection with the retail or any mail postal service uses, other than the cleaning of the premises, shall be carried out outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

47. No deliveries to the retail or any mail postal service uses shall be taken at or despatched from the site outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

48. The bottom of the north and west facing roof slope windows for plots 7 and 8 of the apartment block shall be set at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

49. No further permanent lighting beyond that approved under conditions 29 and 30 shall be installed at the site.

Reason: To prevent a harmful impact upon bats.