

APPLICATION: MA/12/2106 Date: 21 November 2012 Received: 26 November 2012

APPLICANT: Taylor Wimpey

LOCATION: LAND TO THE SOUTH OF, OLIVER ROAD, STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Erection of 53 residential dwellings incorporating access, foul water pumping station, drainage infrastructure, nature conservation area, open space and landscaping as shown on the drawing nos. as outlined under the 'Drawing Register' received on 7th May 2013

AGENDA DATE: 16th May 2013

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Staplehurst Parish Council and they have requested it be reported to Committee for the reasons outlined below.
- It is a major/controversial development.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan (2000): ENV6, H1, H16, H28, T1, T13, T21, T23, CF1

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

Government Policy: NPPF 2012

Draft Core Strategy (2011) & Draft Core Strategy Strategic Site Allocations (2012)

## **2. HISTORY**

MA/12/1986 Screening Opinion for proposed residential development consisting of 55 houses together with open space, nature conservation area/parkland, drainage and highway infrastructure – ENVIRONMENTAL STATEMENT NOT REQUIRED

MA/00/1711 Residential development comprising of 54 no. two storey dwellings with associated garaging and highway works – REFUSED (June 2002)

MA/85/0688 Outline application for residential development – REFUSED & APPEAL DISMISSED

MA/81/0724 Residential development – REFUSED

MA/81/0723 Residential development – REFUSED

MA/76/0159 Outline application for residential development – REFUSED & APPEAL DISMISSED

MA/75/0309 Outline application for residential development – REFUSED

- 2.1 The site is allocated for residential development by virtue of Policy H16 of the Maidstone Borough Wide Local Plan 2000. However, following the publication of Planning Policy Guidance Note 3 – Housing (PPG3) in 2000, which introduced a sequential test that placed sustainable urban sites first, then periphery urban sites, and then greenfield sites, the site was 'frozen' with a greenfield moratorium in 2002. In order to assess the availability of such land, the Council undertook an Urban Capacity Study (UCS), which identified a five year supply of Brownfield sites within the urban area. This study identified that there was in excess of 5 years of housing land within the Borough, and as such the Council took the view that the allocated sites did not need to come forward at that point in time, to ensure the regeneration of the 'brownfield' sites within the Borough. This was the grounds (amongst others) that permission was refused in 2002 under MA/00/1711.

### **3. INTERNAL CONSULTATIONS**

- 3.1 **MBC Parks & Leisure Department:** No objections subject to a contribution of £39,750 (£750 per dwelling).

- 3.1.1 *"We note that the proposed development includes the provision of over 2.6ha of public open space and woodland. We would query the management of this site as we would not wish to adopt this area, however in the past the Council has helped set up community trusts to manage similar such sites, and this could be something that could be helped with again. Should the site be adopted by such a trust then a commuted sum would be expected in order to assist with set-up and maintenance costs over a number of years.*

- 3.1.2 *The area of Staplehurst is currently underprovided for in terms of a number of green spaces as indicated in the Green Spaces Strategy. Per 1000 population there is an under*

*provision of Allotments and Community Gardens, Children's Play facilities, outdoor sports facilities and amenity greenspace.*

3.1.3 *The types of schemes that the Parks and Leisure department would propose to deal with the current under provision of green space in the area of this development could include:*

3.1.4 *Allotments and Community Gardens – currently no allotments are provided in Staplehurst. The contribution received would be put toward the purchase or development of an allotment site in the parish.*

3.1.5 *Children's Play facilities – As there is no play equipment proposed on this development there would be a significant impact on the Surrenden Road play area (the closest existing play area to the development) seeing an increase in usage and consequently wear and tear on the equipment. It is proposed that because of this the existing play facilities in the area be updated or improved. This would include the purchase of new or refurbishment of existing equipment, improvements to safety surfacing, fencing, benches and bins.*

3.1.6 *Outdoor sports facilities – Funding would be used to improve existing sports facilities in the area, examples could be drainage and aeration of pitches, replacement of goal posts, refurbishment of existing pavilions and improvements in general ancillary items.*

3.1.7 *Amenity greenspace – The types of improvement that funding for this type of green space would be used for are; the planting of trees, provision of bins, benches and picnic tables, fencing, and other items, within the parish of the development*

3.1.8 *We would therefore request a contribution of £750 per dwelling which could be utilised as detailed above. This would be calculated at  $53 \times £750 = £39750$ .*

3.1.9 *The amount requested is based on the 7 types of green space and the relevant requirement of number of hectares of that green space per 1000 population. The requirement for these areas and the average cost to supply/install these areas gives us a total which allows us to reach the £1575 typical contribution request per dwelling. As the development is looking to install 'amenity green space' and a substantial area of 'natural and semi-natural green space', we can alter our calculations accordingly. The adjustment actually comes to £1059 per dwelling. The general cost to supply and install these two types of green space is not as substantial as costs involved to supply 'parks and gardens' or 'equipped play areas' for children and young people, for example, and as such that is why there is only typically a 33% reduction in the contribution requested in this instance."*

**3.2 MBC Housing Officer:** Support the development and raise no objections to proposed house sizes and affordable housing tenure.

25/01/13

3.2.1 *"The Housing Needs Survey for Staplehurst, undertaken by Action with Communities in Rural Kent was referred to in which a need for up to 48 homes for local people was*

*identified. Whilst this survey expressed a need for three and four bedroom dwellings, it also showed a need for smaller one and two bedroom accommodation.*

- 3.2.2 An affordable dwelling mix was suggested to the Agents, which is close to what is actually being proposed, with the exception of no one-bed accommodation. Whilst I would not recommended that the majority of the affordable provision on this site should consist of smaller 1 & 2-bed accommodation, it was recommended that some 1-bed provision should be provided if at all possible. (1 bed room unit is now proposed)*
- 3.2.3 There is no identified need for 4-bed dwellings for shared ownership based on data of registered applicants provided by the Homebuy Agent, so it is important that these dwellings are provided for rent.*
- 3.2.4 The location of the affordable dwellings has changed from previous proposed site layouts and now appears to be located in the top right hand corner and side of the site. Previous layouts were considered better in terms of the location of affordable dwellings, as they were located in small clusters, and pepper potted more throughout the development.*
- 3.2.5 In terms of standards, we would expect Lifetime Homes to be met across the affordable dwellings, and the application is unclear as to whether this standard will be met, although I note reference to Code for Sustainable Homes Level 4.*
- 3.2.6 In general the proposals for the affordable provision on this development are supported by Housing subject to confirmation of LHS standards, dwelling mix attributed to tenure, and the rent levels proposed by the RP. These are matters we can take up separately with the relevant RP."*

*26/04/13*

- 3.2.7 "I looked over the suggested tenure/mix split, and there is a slight issue in that it is not strictly in accordance with policy, actually being 12 properties (57%) for affordable rent and 9 properties (43%) for shared ownership. There should really be 13 for rent and 8 for shared ownership as previously advised. However, Taylor Wimpey are proposing 40% affordable housing, the mix suggested for the affordable provision is acceptable (based on previous consultation with the developers) and the suggested tenure split is also close to policy requirements.*
- 3.2.8 The developers and the RP have both stated they are happy to accept a condition which requires the tenure mix to be approved by the council. So as long as this is captured as a planning condition or through the s106 agreement then we are protected, and any requested departure away from policy would need our approval and justified reasons for doing so.*
- 3.2.9 I am therefore happy to support this scheme and the aforementioned approach and based on previous discussions with the developer and the RP, it is clear that they are intent on delivering a policy compliant scheme."*

- 3.3 **MBC Environmental Health Manager:** No objections subject to a contaminated land assessment condition and informatives relating to radon gas, construction work and a waste management scheme.
- 3.4 **MBC Landscape Officer:** No objections subject to methodology and tree protection measures as outlined on the Tree Protection Plan being followed and the landscape management plan.
- 3.4.1 *"Arboricultural Details:*  
*The submitted tree survey details, tree constraints and protection plans by consultants Ian Keen Ltd would appear to be accurate and reflect the condition and position of the trees currently growing on the site in accordance with BS5837:2012.*
- 3.4.2 *From the plans provided, all of the proposed new 53 dwellings and the majority of road infrastructure will come outside the root protection of all the trees shown to be retained on the plans (please refer to Tree Protection Plan). Those trees that will need to be removed in order implement the development are mainly sapling trees growing within the centre of the northern part of the site. Under BS5837:2012 the majority of these trees have been graded as a C (tree of low quality). From a visual amenity point of view the removal of the trees within the centre of the site would have very little impact.*
- 3.4.3 *A very small proportion of the road infrastructure to the south eastern corner of the site will come within the root protection area (RPA) of retained trees T20 Ash and T17 Oak and new path is shown to extend within the RPA of T80 Oak growing toward the west of the site, flanking plot 11. In both cases the incursion within the trees RPA's is minimal and provided the "no dig" methodology and tree protection measures are put into place as shown on the Tree Protection Plan, I am satisfied that their long-term wellbeing will not be compromised.*
- 3.4.4 *Unlike the previous drafted schemes, which showed the dwellings in plots 1 & 5 close to the retained trees along the western boundary, the current layout has repositioned the two dwellings further away following my concerns of overshadowing by the canopy of the trees. The repositioning of these two properties is welcome although, given their orientation to the east of the trees, I would still expect both properties to be shaded in the summer months from late afternoon onwards as the sun sets towards the west. Whilst this should be taken into consideration by any perspective purchaser of the property, on balance I do not consider it to have sufficient weight to refuse the application nor one that is likely to be successfully upheld at an appeal.*
- 3.4.5 *Overall, the layout in general would appear to ensure a harmonious relationship between the retained trees and buildings and provided the protection measures as detailed on the submitted protection plan are adhered too by way of suitable conditions there are no arboricultural grounds to refuse this application.*
- 3.4.6 *Landscaping Details:*

*The landscaping and management proposals are principally divided into three areas, Area A – Woodland west of the development area, Area B – Southern field and Area C - residential area to the north.*

- 3.4.7 *The planning shown on the residential area C (drawing no: CSa/1754/122, dated Nov 2012) appears to follow the landscape character of the area using mostly indigenous native or near native tree species that are appropriate for their planting positions within the confines of the estate. Planting densities and plant sizes as shown on the plan are considered acceptable and the 10 year management proposals for the site as detailed in section 5 of the Landscape & Ecology Management Plan are comprehensive with the introduction of 20 Bird boxes, five habitat bat boxes and fifteen insect nesting boxes.*
- 3.4.8 *Similarly the management and enhancement of area A (woodland to the west) and area B (southern field) appear detailed with the enhancement of the existing hedgerow boundaries and introduction of log piles and hibernacula's, bat and bird boxes. The creation of a new pond area is proposed within the southern field adding to the ecology and biodiversity of the area. The removal of the existing scrub within the field area should be selective as stated on the plan to ensure some areas remain for habitat cover. This was discussed during my meeting last week and I have asked that a more detailed plan showing the number of trees to be thinned within the Woodland (area A) and the southern field (area B) be submitted so the extent of the works can be quantified. Subject to receiving this additional information at present I am generally happy with the overall approach to the landscaping & management of the site which I would expect to be conditioned to any consent that you are mindful to approve."*

#### **4. EXTERNAL CONSULTATIONS**

##### **4.1 KCC Highways & Transportation:** No objections subject to a Section 278 agreement to secure the following:

- The provision of improvements in the form of signing and lining to enhance safety at the junction of the A229 with Clapper Lane and the junction of the A229 with Bell Lane where visibility is restricted.
- Bus boarders (raised kerbing) are required at the 4 bus stops nearest the site on the A229 in order that these are DDA compliant and accessible for all.
- A new puffin crossing is required on Marden Road as this is an important route for pedestrian between Oliver Road and the employment area, future retail and the rail station.
- Improvements are required to the existing footway connections between the site and the existing highway network, subject to discussion and approval by the Public Rights of Way Team.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway

gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

Footways and/or footpaths, with the exception of the wearing course; carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

And conditions relating to construction traffic unloading/turning, site personnel parking, measures to prevent discharge of surface water to the highway, wheel washing facilities

**4.2 The West Kent Primary Care Trust (PCT):** No objections subject to a contribution of £37,296 being sought to address the additional demand placed upon the existing local surgeries being the Staplehurst Health Centre and Marden Medical Centre, by this development. It has been requested that the money be spent on supporting improvements by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

**4.3 Mouchel (on behalf of Kent County Council):**

4.3.1 **'Libraries'** contribution of £1,472.34 is sought to fund additional service provision arising from the additional demand of the new housing, at the level of existing services. This would be used towards books, staff and extended hours at Staplehurst library.

4.3.2 **'Community Learning'** contribution of £1160.17 is sought towards new/expanded facilities and services covering the Staplehurst area both in adult education centres and through outreach community learning facilities, local to the development.

4.3.3 **'Adult Social Services'** contribution of £819.77 is sought. Facilities for Kent Adult Social Service (older people, including those suffering with Dementia, and adults with learning or physical disabilities) are already fully allocated and therefore the proposed development will result in a demand upon services. The contribution would be used towards assistive technology (also referred to as 'Telecare') enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including pendants, fall sensors, alarms etc. It would also be used towards

enhancement of local community facilities to ensure full DDA access to clients to participate in community activities and groups.

#### **4.4 KCC Ecological Advice Service:** No objections.

4.4.1 We have had regular pre application advice with the applicant about this site and as a result most of our concerns have been addressed. As a result we require no additional information to be submitted prior to determination of the planning application.

##### **4.4.2 Badgers**

Badgers have been recorded on the site and an updated survey was carried out in February 2013 and the survey findings were the same as the 2012 survey findings. As a result we are satisfied that there is limited potential of any significant changes occurring prior to works starting (depending on if/when planning permission is granted). The surveys found that there was low use of the site by badgers.

4.4.3 We do acknowledge that there is potential for *occasionally used* badger setts to be found within the scrub area. However, due to the presence of reptiles/GCN the scrub can only be removed as part of the GCN and Reptile mitigation. As a result we are satisfied with the proposed precautionary approach to ensure no badgers setts will be accidentally impacted when works are being carried out.

##### **4.4.4 Reptiles**

Reptiles have been recorded across the whole of the site.

##### **4.4.5 *Northern Site***

It is proposed to translocate the reptiles within the northern part of the site to a receptor site at Hayle Place (part of planning application MA/12/1848). We are satisfied with the methodology proposed to translocate the reptiles which is proposed to be carried out in 2013.

4.4.6 However if the translocation is delayed until 2014 there will be a need for an up dated reptile survey to be carried out in both the Oliver Road Site and the Hayle Place Sites to ensure the carrying capacity of the site will not be exceeded as a result of the translocation. This is because there is currently a small population of reptiles at Hayle Place which may increase in size due to the habitat enhancements which have been carried out. If there is a delay to the work being carried out it may result in a need for a new receptor site to be identified prior to the translocation being carried out.

##### **4.4.7 *Southern Site***

The reptiles within the southern site will be retained on site. We are satisfied with the proposed works have been detailed within the reptile mitigation report which will be carried out to enhance the site for reptiles. A pond will be created within the southern part of the site – the mitigation detailed within the report must be carried out when the pond is being created. The mitigation and enhancements detailed within the site must be implemented as a condition of planning permission.



#### 4.4.8 Bats

The surveys identified that there were trees on site which had potential to contain roosting bats. The report details that all of the trees are to be retained on site as a result, on this occasion, we are satisfied that there is no need for further surveys. As detailed within the report if there is a need to carry out any works on the trees there will be a need for emergence surveys to be carried out prior to the works being completed.

4.4.9 Bats have been recorded foraging and commuting within the site. Lighting can be detrimental to roosting, foraging and commuting bats. The recommendations detailed within the report must be implemented within the lighting scheme for the site. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

#### 4.4.10 Great Crested Newts

Great Crested Newts have been recorded within the ponds surrounding the site. We are satisfied with the information detailed within the Great Crested Newt Mitigation strategy. The information detailed within the mitigation strategy must be implemented as a condition of planning permission.

#### 4.4.11 Breeding Birds

Breeding birds have been recorded within the site. All breeding birds are legally protected under the wildlife and countryside act 1981 (as amended). The removal of any vegetation must be carried out as detailed within the ecological appraisal and phase 2 surveys.

#### 4.4.12 Landscaping Plans

We are satisfied that the landscaping plans have included details of the majority of the enhancements proposed for the site. The only exception is the report has recommended the erection of bird boxes within the site boundary and on the buildings. However these have not been included within the landscape plan (CSa/1754/123 and CSa/1754/123). We would expect the landscaping plan to be updated to include all the enhancements.

### 4.5 **Natural England:** No objections.

4.5.1 *"This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.*

4.5.2 *We have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.*

4.5.3 *We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i). Working through the flowchart we reached (iii). Box (iii) advises the authority*

*that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".*

4.5.4 *We used the flowchart on page 6 of our Standing Advice Species Sheet: Hazel Dormice beginning at box (i). Working through the flowchart we reached (xvi). Box (xvi) advises the authority that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".*

4.5.5 *We used the flowchart on page 8 of our Standing Advice Species Sheet: Great crested newts beginning at box (i). Working through the flowchart we reached (xiii). Box (xiii) advises the authority that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy for great crested newts."*

**4.6 Kent Wildlife Trust:** *"I have no objection to the proposal, subject to the imposition of conditions to ensure the implementation of all prescriptions identified in the Landscape and Ecology Management Plan and the mitigation strategies and recommendations in the Reptile and Great Crested Newt reports. Of particular importance are the proposals for on-going monitoring of conditions and management of all undeveloped areas over the long term (see Landscape and Ecology Management Plan). In consequence, the Council should satisfy itself that the funding arrangements for this work are adequate and secure before granting planning permission."*

**4.7 Environment Agency:** No objections subject to conditions relating to the surface water drainage scheme and contaminated land.

**4.7.1 Surface Water Drainage and Flood Risk**

*We have reviewed the drainage strategy contained within the Flood Risk Assessment (FRA). The general principles are acceptable, but clarification of the following issues will be required at the time when condition 1 (above) is being discharged: The IoH124 method has been used to calculate greenfield runoff, flows have been scaled from 50ha to 1ha but no use of regional growth factors has been applied. This undermines our confidence in the flow estimates.*

4.7.2 *In figure 4b of the FRA it appears that the total site area is 1.78 ha, however the flows and drainage designs are only based on the half (0.89ha) of the site given over to hard standing. Any drainage infrastructure or attenuation pond should be designed with the needs of the entire run off derived from the site. The FRA also states that the dwellings will have a freeboard of 150mm above the areas of proposed overland flood flow routes. There are no drawings to indicate where these may be. It should be ensured that they are suitably contained (for example suitable guttering or kerbing) and do not impact on access/egress. Furthermore, where drainage paths are common with existing drainage, it should be ensured that overall volume is sufficient to carry existing flows and additional flows arising from development.*

4.7.3 *The general principle of the use of storage and slow release is acceptable, but more a more detailed pond design will need to be submitted. It is not clear whether the pond will be kept dry or wet and therefore it is difficult to establish whether there is sufficient*

*volume. Additionally, there did not appear to be any detail of the outfall and whether this would work in low flow as well as high flow conditions. It should be clarified as to where water will be discharging.*

**4.8 Southern Water:** No objection subject to informatives instructing the developer to enter into a formal agreement to provide necessary off-site sewerage infrastructure and a condition requiring means of foul and surface water sewerage disposal.

4.8.1 *"There is currently inadequate capacity in the local network to provide foul sewage and surface water disposal to service the proposed development*

4.8.2 *Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provide a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location."*

**4.9 KCC Archaeology Officer:** No objections subject to a watching brief condition.

4.9.1 *"The site of the application lies within an area which has low potential for prehistoric and Roman remains. One of the main Roman roads through the Weald lies c. 450m to the east. In view of the size of this development, some archaeological monitoring would be appropriate and I recommend the following condition is placed on any forthcoming consent:*

*AR4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.*

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

**4.10 UK Power Networks:** No objections.

**4.11 Staplehurst Parish Council:** Recommend refusal and request the application is reported to Planning Committee.

4.11.1 *"Councillors considered the amendments to design, landscaping and planting, parking and road lay-out were all minor. They expressed particular concern about the height of proposed housing on the northern edge and its proximity to Butcher Close. They felt the situation was aggravated by the higher setting of the ground on which the houses would be built and by the third storey with dormer windows in the roof-line of some houses which made them out of keeping with the area. They questioned why smaller*

*houses were not proposed for this part of the site. Councillors confirmed their full support of the residents in their concern about this aspect and also about the need for better screening, the implications of increased traffic volume in the area and the exacerbation of parking problems. They also felt there was need for further discussion about the allocation of proposed S106 monies. For these reasons and on the basis of their previous recommendation Councillors voted nem con to recommend REFUSAL of the amended application and requested that it be reported to MBC Planning Committee. Councillors also asked that the recommendation be accompanied by advice to MBC that contrary to what was stated in the Landscape and Ecology Management Plan the Parish Council had not agreed to take on the green space area."*

## **5. REPRESENTATIONS**

5.1 31 letters of objection have been received raising the following summarised points:

- Will cause visual harm to the area.
- Design, materials and style is not in keeping.
- Loss of trees.
- Harm to wildlife.
- Loss of privacy.
- Loss of light.
- Noise and disturbance of houses.
- Disruption during construction.
- Infrastructure in the village needs improving and public transport is poor.
- Lack of services/facilities in the village.
- How can we build houses when they can't sort out whether to build a supermarket.
- Lack of parking and will spill onto local roads.
- Risk of increase in traffic through estate.
- Will cause congestion.
- Traffic calming should be in place on Oliver Road.
- Lack of parking for wildlife site.
- Drainage and surface water systems are poor.
- Increased flooding on neighbouring properties.
- Low water pressure.

- Private path through garage block is likely to be used.
- Risk of further development.
- Not enough detail.
- Loss of view.
- Loss of informal paths that are used.
- What will happen to public footpath which runs through site.
- Loss of value.
- Many unsold houses available in the village so dwellings are unnecessary.
- Application has been turned down previously and the situation remains the same.

## **6. CONSIDERATIONS**

### **6.1 Site Description and Background**

6.1.1 The site is located in the southwest corner of Staplehurst village, to the south of Oliver Road. The site comprises an L-shaped area of land which can be roughly divided into a north 'half' with an area of approximately 2.8ha, and a south 'half' with an area of approximately 2.2ha.

6.1.2 The northern part of the site is allocated for housing in the Maidstone Borough-Wide Local Plan (2000) by virtue of policies H1 and H16. Policy H16 (the site specific policy) states that:

*"Housing development will be permitted on land at Oliver road, Staplehurst, as shown on the proposals map if existing trees and hedgerows within and around the boundaries of the site are retained as part of a landscaping scheme. The provision and future management of the landscaped areas will be the subject of planning conditions or a planning obligation."*

6.1.3 This policy was 'saved' in 2007 by the Secretary of State and as such the allocation remains.

6.1.4 The whole site is 'greenfield' land and the northern half comprises overgrown scrub land of brambles and semi mature trees with some open areas on the east side, and more dense woodland on the west side. The southern half of the site (outside of the allocation) is located in open countryside with no special land designation. This southern part of the site is characterised by more open grassland with semi mature trees, which increase in number in the south and east.

- 6.1.5 The boundaries of the entire site, both around the margins and within the site, are marked by established native hedges, which contain significant numbers of trees. The site is bounded to the north and east by housing estates, to the south by arable farm land and to the west by scrubby woodland/grass land. To the north are the rear gardens of houses on Stanley Close (northwest corner) and Butcher Close. To the northeast is a garage block and further houses on Butcher Close. To the east are the rear gardens of houses on Bathurst Road, and to the west is the garden of 'Aydhurst Farm'.
- 6.1.6 The site is subject to two Tree Preservation Orders (TPO's), TPO 1 of 2001, and TPO 3 of 2005. The former protects three areas of land which cover the entirety of the northern half of the site. The latter protects six groups of trees within the southern half of the site, together with four individual Oaks within the site and a further group of trees outside the site, but immediately adjacent to its western boundary.
- 6.1.7 Two public rights of way run through the site, KM311 which runs through the centre of the site from west to east between the north and south halves, and KM302A, which runs through the southern half from west to east. These public footpaths join on the western boundary of the site. Both footpaths separately join KM312, which runs along part of the eastern boundary of the site. In addition to these, informal paths cross parts of the site, in particular in the southern part.
- 6.1.8 The site has no local or national landscape designation and is not identified as land with any high risk of flooding.
- 6.1.9 Staplehurst is a village with a population of approximately 6,000 residents (2011 census). It is the largest of the proposed rural service centres in terms of population and size. The village has a primary school, medical centre, dentists, various shops and businesses, public houses, restaurants, library, community centre, Church and train station that serves the Ashford to London mainline. Bus services also serve the village, and run along the A229, and these run approximately every hour during the day, between Sandhurst and Maidstone.

## **5.2 Proposal**

- 5.2.1 This is a fully detailed application for the erection of 53 houses and infrastructure including a foul water pumping station, balancing pond, and also use of land as a nature conservation area and public open space on adjoining land.

5.2.2 The housing is proposed over the majority of the allocated site (2ha) but the more heavily wooded area (0.8ha), which falls within the allocation on the west side would not be developed but used as informal public open space. The remainder of the site in the southern half would be used as a nature conservation area (2.2ha) where a balancing pond is also proposed. The development would have a density of approximately 27 dwellings per hectare.

5.2.3 The units proposed are broken down as follows:

<b>Dwelling Type</b>	<b>Private Sale</b>	<b>Affordable (12 rent/9 shared equity)</b>	<b>Total</b>
1 bed coach house	0	1	1
2 bed coach house	1	1	2
2 bed house	1	7	8
3 bed house	17	9	26
4 bed house	8	3	11
5 bed house	5	0	5
<b>Total</b>	<b>32</b>	<b>21</b>	<b>53</b>

5.2.4 As can be seen from the above, a total of 21 affordable units are proposed to be provided within the development, constituting 40% of the units, in accordance with the Council's adopted Development Plan Document minimum requirement of 40%. The affordable housing would be split as 57% affordable rents (12 units being 1x2 bed coach house, 4x2 bed house, 4x3 bed house, 3x4 bed house) and 43% shared ownership (9 units being 1x1 bed coach house, 3x2 bed house, 5x3 bed house), which the Council's Housing section are agreeable to. The affordable housing is spread over the site but mainly focused on the east side.

5.2.5 The development would have a single access in the northwest corner taken off the southern end of Oliver Road. This road already extends to the edge of the site and here there is a break in vegetation where there are currently large metal gates. However, some small trees and scrub would need to be removed to facilitate the full width of the access. The general layout to the development sees a main route through the site from the northwest corner southwards down the centre of the site through a landscaped avenue. Cul-de-sacs would run off

this road in the corners of the site. Houses would address all roads but leave good spacing to the site boundaries. I will now explain the layout in more detail.

- 5.2.6 On entering the application site, the road would narrow from the Oliver Road width with granite setts to mark the entrance, and all roads within the site would be shared surfaces. Detached houses would address the road entrance and be set back from the road between 4m-7m with front gardens enclosed by native hedging. The main road would then turn eastwards with a cul-de-sac heading south and a number of trees are proposed around this junction. The cul-de-sac heading southwards would be curved and lined with trees and with a visitor's parking space on the east side. Detached houses are proposed on the west side with open front gardens and detached garages with semi-detached houses with front gardens and coach houses towards the end. Six parking spaces serving terraced houses to the east would be hidden behind the coach houses. At the end of the cul-de-sac would be a turning head to enable the safe turning of refuse vehicles and fire appliances.
- 5.2.7 Returning to the main road, this would head eastwards with houses set back around 4m. It would then open onto a formal 'feature square' marked with different surfacing including block paving. The southwest corner of the square would be blocked off from traffic by timber bollards with a feature tree. Houses would address the square on three sides and it would be bounded by steel railings and hedging.
- 5.2.8 The main road would then head southwards along a 20m wide open corridor all the way to the south end of the site (100m). The roadway, which would be curved in shape, would be on the east side with predominantly detached houses with garages, some linking the properties and open front gardens. The west side would feature a 10m wide grassed amenity area with numerous trees, essentially a tree lined avenue. There would be metal railings along the west edge of this amenity area. The west would feature more dense development including a terrace block of 5 houses whose parking is to the rear hidden by houses. Four visitor's parking spaces are proposed either side of the roadway following the curves of the road. The square and 2.5 storey houses at the northern end would provide a visual 'end stop' to this avenue.
- 5.2.9 At the end of the avenue the density reduces and the road would split to the west and east with different surfacing proposed, providing small cul-de-sacs upon either side. This would also provide a turning head to enable the safe turning of refuse vehicles and fire appliances. To the west, houses would turn the curve of the road and there would be a crescent of large detached houses set back around 5m from the road with open front gardens enclosed by hedging and detached garages. Three of these would have dormer windows. In the



southwest corner would be the proposed pumping station, which would be well landscaped. A pathway would head northwards along the west boundary of the site here linking the cul-de-sac in the northwest corner to this part of the site and provide access into the adjacent woodland. The southern edge of the site here would be undeveloped with a combination of amenity grass, wildflower grassland and retention of existing scrub providing a space of around 15-20m in depth.

- 5.2.10 The roadway which heads east would feature a semi-detached house on the corner. Houses to the east would be semi-detached and detached, with attached garages and set back from the road by around 4m with front gardens and hedging. Three visitor's parking spaces are proposed here and a 5m gap to the southern boundary is maintained with amenity grass and wildflower grassland.
- 5.2.11 Returning to the northeast corner, the main roadway would lead eastward from the square with semi-detached houses on either side with driveways. They would have front gardens enclosed by hedging, and trees are proposed along the road. The main road would end with a turning head and there would be a path leading off and linking to the public footpath which runs along the east edge of the site. The established tree and hedge line along the eastern boundary would be retained, separating the site and the public footpath. The roadway would head southwards and narrow with different surfacing for around 50m creating a small cul-de-sac. There would be a terrace of houses linked in the middle by a coach house with parking behind on the west side with open front gardens. A pathway would then run off the road to the southeast corner linking with the public footpaths. The eastern edge of the site here would be undeveloped with a combination of amenity grass, wildflower grassland and retention of the existing tree line providing a space between 7m-12m in depth.
- 5.2.12 The house types proposed are relatively traditional in form but draw from the local vernacular, particularly the High Street in the village with the use of plain roof tiles in muted browns and reds, elevations with red multi stock bricks, vertical tile hanging and white horizontal weatherboarding. Architectural detailing including Victorian style sash windows with small panes on upper sections on some of the key elevations, chimneys, brick arches and cills to window openings, brick plinths, gabled pitch roof dormers with white barge boards, square box bay windows, white cottage style front doors and porch detailing is proposed. Surfaces for the highways will vary and include tarmac for adopted areas and block paving for private areas.
- 5.2.13 The existing established mature trees, hedging and scrub along the west, south and east boundaries would be retained and strengthened in places with new tree planting. Along the north boundary with the rear gardens of nos. 25-32

Butcher Close, existing scrub would be removed as would a number of small trees and new trees would be planted in rear gardens.

- 5.2.14 A landscaping plan has been submitted that shows that the roads within the development would have a good level of tree planting, hedging, and grass verges. Areas of landscaping are provided on the west, south and east boundaries to supplement the established tree lines here.
- 5.2.15 In terms of the code for sustainable homes, all units would be constructed to level 4 of the code for sustainable homes. Full details of the method of construction, and the sustainable methods incorporated is addressed later within the report.
- 5.2.16 The woodland area to the west would be opened up to public use with thinning of trees and the introduction of wood chip paths. The field to the south would become a nature reserve where existing public and informal pathways would be maintained and new pathways created. The balancing pond a SUDs feature, which would be roughly oval in shape is proposed in the northeast corner of this field. The site is currently rich in ecology, and as such a detailed landscape and ecology management plan, reptile mitigation strategy and great crested newt mitigation strategy have been submitted, which will be addressed in full later on in the report.
- 5.2.17 Car parking provision is providing for each residential dwelling, at a ratio of approximately 1.9 spaces per dwelling with 14 visitor's spaces. All but one of the larger properties (i.e. those of three bedrooms or more) would be provided with a minimum of two spaces each.

### **5.3 Principle of Development**

#### Local Context

- 5.3.1 The site is allocated within Policies H1, H16 and H28 of the Maidstone Borough Wide Local Plan 2000 for housing development. Policy H1 is the quantitative housing policy that allocates the sites within the Local Plan and provides an indicative level of provision within each site (a notional figure of 50 houses is given for this site based on a density of approximately 25 dwellings per hectare).
- 5.3.2 Policy H16 is a site specific policy (and policy H28 refers to this allocation) and reads:

*"Housing development will be permitted on land at Oliver road, Staplehurst, as shown on the proposals map if existing trees and hedgerows within and around*

*the boundaries of the site are retained as part of a landscaping scheme. The provision and future management of the landscaped areas will be the subject of planning conditions or a planning obligation."*

5.3.3 In addition to the policy, I consider that much of the explanatory text to be of significance. The text is summarised below, and appended in full to this report.

- *The dense hedgerows and trees along the southern and western boundaries make an important contribution towards minimising the impact of new built development in this location;*
- *The retention and maintenance of these hedgerows is an essential element of development proposals and must be subject to coherent management and control, rather than be sited within individual private gardens.*
- *The granting of planning permission is wholly dependent upon the satisfactory resolution of this issue with a landscape scheme to be submitted.*
- *The future management of existing trees and hedgerows within and around the boundaries of the site will be subject of a planning condition or obligation.*

5.3.4 Policy H24 which related to the provision of affordable housing was also relevant to this site however, this policy was not 'saved' and as such no longer forms part of the Development Plan. However, the Council's development plan document (DPD) regarding affordable housing does seek a minimum provision of 40% affordable housing within application sites of more than 14 units.

5.3.5 The explanatory text to Policy H28 outlines that Staplehurst is a settlement with the potential for new residential development in excess of minor development and this is due to it being a sustainable village with the population to support key services with employment, shops, education, community and healthcare facilities. Importantly it has good public transport links connecting the village with Maidstone and other retail and employment centres.

5.3.6 Members will be aware that in 2000, following the publication of 'PPG3: Housing' (now 'PPS3: Housing') which was a step change in the choice of location for new housing development by introducing a sequential test, the Council agreed that there should be a 'freeze' on all allocated Greenfield sites in 2002 (reaffirmed in 2008).

5.3.7 However, full Council agreed on 24<sup>th</sup> April 2013 to revoke the moratorium on the release of greenfield housing sites allocated in the Maidstone Borough Wide Local Plan 2000 because the reasons for the moratorium no longer apply. This is because the NPPF moves away from the previous urban capacity study

approach and local authorities must identify deliverable sites for 5-year housing land calculations and specify developable sites or locations for years 6 to 10 and (where possible) years 11 to 15. It was also because the Council's Annual Monitoring Report 2011/12 revealed Maidstone had a 4.5 year land supply against a 10,080 dwelling target and 3.9 years against an 11,080 target and until such time that a 5-year supply can be demonstrated, planning applications on greenfield sites cannot be refused on the grounds of prematurity and must be assessed on individual merit.

- 5.3.8 The draft Core Strategy (CS) from 2011, which must attract some weight (although limited due to its current status) indicates the direction of the Council in respect of housing dispersal in the Borough. One of the 'Spatial Objectives' of the Council (page 24) is to achieve:

*"80% of new housing built within and adjacent to the urban area of Maidstone with appropriate sustainable greenfield development being well located in relation to existing services in the urban area."*

- 5.3.9 The emerging Core Strategy therefore seeks to direct 20% of all housing development over the plan period to the rural area. This is because most housing completions have been focussed on the urban area. Draft policy CS1 (Borough Wide Strategy) outlines that,

*"Appropriate Greenfield sites will be located at the edges of Rural Service Centres of Harrietsham, Headcorn, Lenham, Marden and Staplehurst"*

- 5.3.10 Furthermore, the CS identifies Staplehurst as a 'Rural Service Centre' (RSC) and within the 'Spatial Distribution' section of the document (page 29) outlines that these centres,

*"provide an appropriate level of services to serve the surrounding villages and rural hinterland. It is important that these centres are allowed to continue to serve their local area by retaining vital services thereby reducing the need to travel. Provision for some limited development which supports the role of the RSCs to provide for a choice of deliverable housing location should be made."*

- 5.3.11 The draft Core Strategy Strategic Site Allocation (CS) from August 2012 proposes the actual number of houses for the RSC's with the additional text to draft policy CS1 stating that,

*"Appropriate greenfield sites, to accommodate in the order of 1,130 new dwellings alongside suitably scaled employment opportunities, will be allocated at the edges of the five rural service centres of Harrietsham (315 dwellings),*

*Headcorn (190 dwellings), Lenham (110 dwellings), Marden (320 dwellings) and Staplehurst (195 dwellings)."*

- 5.3.12 Since that time Cabinet agreed on 13<sup>th</sup> March 2013 a 'working target' of 14,800 dwellings for the Maidstone Borough Local Plan period 2011 to 2031 until such time as the work identifying the borough's housing land supply and the identification of environmental constraints is completed. This was based on updated demographic and economic demand data. The borough's capacity to deliver this target will be thoroughly examined through the new SHLAA before a final target can be approved for public consultation. Further public consultation will need to be undertaken on the balance of land allocations and on Core Strategy spatial policies that will be subject to significant change as a result of new housing and employment targets.
- 5.3.13 So the new Local Plan is clearly an emerging document subject to change but it does indicate the Council's direction, which is to seek a sizeable proportion (potentially around 20%) of all housing development in the rural area, identify Staplehurst as a 'Rural Service Centre' and allow appropriate housing development on greenfield sites to provide at least 195 dwellings at the village.
- 5.3.14 Set out below is a table showing housing completions within the Borough since April 2006 until April 2011/12. This shows completions for the areas of Staplehurst, the rural south area, all rural areas, and Maidstone town. These figures show a low level of completions in Staplehurst (58) and only 9 affordable houses in 5 years. Also of note is that since 2006 (under most recent data), only 7% of affordable homes that have been completed are located in the rural south area and only 9 units in Staplehurst. This information demonstrates that there has not been significant growth, or the provision of affordable housing within Staplehurst and this proposal would see the provision of 21 much needed affordable homes providing a good mix of size and tenure.

Year	Completions (Net)					
	Staplehurst Ward	Rural South Sub Area	Maidstone Town	All rural	Affordable Housing in Rural South Sub area	Affordable Housing in Staplehurst ward
2006/07	6	52	562	152	8	0
2007/08	7	114	774	218	27	0
2008/09	14	56	352	89	18	3
2009/10	3	80	465	116	8	0
2010/11	8	71	531	118	38	0
2011/12	20	58	663	210	6	6
<b>Total:</b>	<b>58</b>	<b>431</b>	<b>3347</b>	<b>903</b>	<b>99</b>	<b>9</b>

### National Context

5.3.15 Turning to national policy within the NPPF, this outlines that there are three dimensions to sustainable development being economic, social and environmental, and that these gains should be sought jointly and simultaneously through the planning system (paras. 7 & 8). Pursuing sustainable development includes widening the choice of quality homes (para. 9) and there is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision taking (para. 14). For decision making it outlines that, *"this means approving development proposals that accord with the Development Plan without delay."*

5.2.16 Core planning principles (para. 17) include driving and supporting sustainable economic development to deliver homes, seeking high quality design and a good standard of amenity for existing and future occupants, recognising the character and beauty of the countryside and supporting rural communities, supporting a low carbon future, conserving and enhancing the natural environment, managing patterns of growth to sustainable locations, and deliver sufficient community and cultural facilities and services.

5.3.17 Chapter 6 relates to housing outlining that Local Planning Authorities should boost the supply of housing significantly by using their evidence base to:

- Identify key sites which are critical to the delivery of housing;
- Identify a 5 year supply of specific deliverable housing sites with an additional buffer of 5%;

- Identify specific, developable sites for years 6-10 and where possible years 11-15;
- Provide a housing trajectory and implementation strategy to describe how the 5 year supply will be maintained; and
- Set out their own approach to housing density.

5.3.18 The Council is completing this work through the new Local Plan process. In terms of the 5 year housing land supply, at the time of writing this report, the Council cannot demonstrate a 5 year supply against the 'working target' of 14,800 dwellings for the period 2011 to 2031

5.3.19 Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 54 and 55 relate to housing in rural areas and state that,

*"Local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing..."*, and

*"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."*

5.3.20 At paragraph 215 the NPPF states that due weight should be given to relevant policies in Local Plan's according to their degree of consistency with the NPPF. It is considered that Maidstone Borough-Wide Local Plan (2000) housing policies (H1, H16, H28) referred to above at paragraphs 5.3.1 to 5.3.5, whilst of some age, are consistent with the NPPF in that they seek to provide a specific deliverable housing site at a sustainable location.

5.3.21 The NPPF clearly promotes sustainable development and to boost housing significantly through providing a housing supply that meets the full needs for market and affordable housing. This must be balanced against environmental and social impacts.

5.3.22 To summarise, in a balancing exercise, to my mind the factors that are against the principle of development of this site, at this point in time are:

- It is a Greenfield site that is not specifically allocated within an emerging DPD and the Local Plan process is in line to identify strategic sites, timetabled to be adopted in July 2015. As such there is an argument (albeit, in my view, a weak argument) that this process should be carried out before a decision is made on this application.

5.3.23 However, broad factors in favour are:

- The site is allocated for housing in the current Local Plan under a saved Development Plan policy and such an allocation is largely consistent with the NPPF in terms of housing land supply.
- The Greenfield moratorium has been revoked.
- The current position is that the Council cannot demonstrate a 5 year housing land supply against the 'working target' of 14,800 dwellings.
- The emerging Core Strategy indicates the direction of the Council in providing a sizeable proportion (potentially around 20%) of housing development in the rural areas and identifying Staplehurst as a 'Rural Service Centre' and allowing appropriate housing development on greenfield sites to provide at least 195 dwellings.
- Staplehurst is a sustainable village with appropriate facilities and the proposals would contribute to providing rural housing.
- Currently completions in the rural areas and RSC's have been low and there has been a lack of affordable housing in Staplehurst.
- The application would provide family size and affordable housing units for Staplehurst.

5.3.24 I will return to the balancing of these factors and all other material considerations in the overall conclusion following my full assessment of the all other issues below.

## **5.4 Layout & Density**

- 5.4.1 The internal layout of the development has been subject to negotiation, largely at pre-application stage. In broad terms, the layout to the development sees a main route through the site from the northwest corner southwards down the centre of the site through a landscaped avenue. Cul-de-sacs would run off this road in the corners of the site. Houses would address all roads but leave good spacing to the site boundaries. The overall density of the development is 27dwellings/hectare but as the site is on the edge of the village bordering the countryside, the layout has sought to reflect this, having more dense development at the north part of the site and lowering its density with more spacious buildings towards the south, whilst retaining landscaped edges.
- 5.4.2 Policy H16 provides a framework for development within the site, seeking the retention of existing trees and hedgerows within and around the boundaries of the site, with an emphasis on retaining the landscaping along the southern and



western boundaries. The layout has been designed to retain all trees and hedgerows along the western, southern and eastern boundaries, and no retained trees would fall within proposed gardens, which accords with the policy. The landscape officer has also confirmed that the layout would ensure a harmonious relationship between the retained trees and buildings and would not result in any loss of the trees, or indeed undue pressure for future removal. In this regard, I consider the layout complies with policy H16.

- 5.4.3 On entering the site in the northwest corner, the road would narrow from the Oliver Road width with granite setts to mark the entrance, which would also act as a traffic calming measure. Detached houses on either side would suitably address the road entrance through architectural detailing on both the north and road facing elevations, and be set back from the road between 4m-7m with front gardens enclosed by native hedging. This set back would be similar to the houses at the end of Oliver Road and so would be in-keeping.
- 5.4.4 The main road would then turn eastwards with a cul-de-sac heading south. Where the road turns a 'feature' house is proposed providing visual interest whilst turning the corner. This house would be 2.5 storeys with gabled dormer windows to the front and architectural detailing. There would also be a number of trees at this point which would provide structure and focus. I consider the entrance to the site would be appropriate having good landscaping, appropriately spaced buildings, quality elevations and a focal point as the road turns.
- 5.4.5 The cul-de-sac heading south here would be curved in shape and lined with trees, more of which have been negotiated from the original proposal. Houses here would have open front gardens and a visitors parking space on the east side would have room for landscaping either side to soften its impact. The coach houses would turn the corner of the cul-de-sac to draw the eye to the west towards the woodland. There would be a parking court to the rear of the coach houses but this would be largely hidden from view so as not to distract from the streetscene. I consider the streetscene here would be of a good quality with interest and soft landscaping.
- 5.4.6 Returning to the main road which would head eastwards, here houses would be set back around 4m from the road with front gardens. Railings enclosing some gardens here would announce the approach to the formal 'feature square'. Houses appropriately address the square on three sides and it would be bounded by steel railings and hedging. This area has the potential of being a meeting/stopping place for residents and with the higher houses providing an 'end stop' on the north side, it does serve to provide a focal point at the end of the tree lined avenue. This square would be an attractive space and provide a quality public realm area.

- 5.4.7 The 20m wide avenue, which heads southwards all the way to the south end of the site for 100m, is said by the applicant to allow green space to extend into the site bearing in mind the edge of countryside location. I consider that it does provide a green avenue and link to the countryside within the centre of the site, which would also serve to break up built development, especially with trees proposed along the west side. The roadway would be curved in shape, providing interest and the west side would feature a 10m wide grassed amenity area with numerous trees, essentially a tree lined avenue. There would be metal railings along the west edge of this amenity area to prevent parking occurring on the green space. The built development here is tighter than at other parts of the site, particularly the terrace row on the west side, however, because of the space created by the avenue and the amount of landscaping, I do not consider it would be oppressive. Again, I feel this area will provide quality and attractive public realm space within the development.
- 5.4.8 The density reduces at the end of the avenue to reflect the approach to the countryside. Houses are spaced further apart and a green buffer is largely maintained to this edge of the site. Development is closer to the southern boundary on the east side, however, all trees will remain to ensure a soft edge. Plot 43 would address its corner position with 'feature' elevations on both road frontages. More trees have been negotiated along the green buffer to strengthen this boundary, plot 38 has been moved away from the south boundary, and the roofs to plots 40 and 41 have been fully hipped. With these changes, the spacing of buildings, and the buffer to the southern boundary, I consider the development would provide an appropriate transition to the countryside here. Similarly there would be a good buffer to the western boundary with a pathway providing good connectivity and access into the adjacent woodland, with plot 11 addressing its corner position.
- 5.4.9 In the northeast corner, houses would be set back from the road with an irregular building line and front gardens enclosed by hedging, and trees, which would provide an attractive street scene here. I consider the spacing between buildings is good and I have negotiated fully hipped roofs on plots 47 and 48 to break up the massing of the buildings further. Boundary fencing on the south side here would be set back behind landscaping to soften it in the streetscene. Along the east edge the established tree and hedge line along the eastern boundary would be retained with a combination of amenity grass and wildflower grassland on the inside. The built form here originally lacked interest and was relatively bulky in terms of mass. I have therefore negotiated fully hipped roofs on plots 44 and 32, on the terrace, and the introduction of a gable to add interest. With these changes to the terrace row and with rear gardens at either end providing breathing space, I consider it would not be oppressive and would be acceptable. Paths in the northeast and southeast corners would provide

connectivity with the public footpath along the east edge of the site and in turn onto Bathurst Road to the east.

- 5.4.10 I consider the layout of the proposal to be well designed, and to respond positively to the site's location bordering open countryside. The tree and hedge lines are retained along the west, south and east edges, in line with policy H16. In terms of density, the site borders suburban residential areas to the north built at medium to high density. The proposed density of approximately 27 dwellings per hectare is appropriate for the edge of village location and lowers towards the south edge marking the transition to the countryside. Overall, I consider the development has got the right balance between making the best use of land and respecting the site's edge of countryside location. I therefore consider the proposed layout to be of a high quality, that responds positively to the characteristics of the locality.

## **5.5 House Design & Scale**

- 5.5.1 Surrounding houses date mainly from the 1960's and 70's being semi-detached or terraced, of two storey height. There are of similar character with low pitched roofs with gabled side ends and front porches. They are of no great architectural merit with elevations generally all brick, or brick and boarding/render at first floor level. So, I do not consider the development should necessarily draw context from the surrounding estates but should acknowledge its location on the edge of a low weald village.
- 5.5.2 The house types proposed are relatively traditional in form and design including detached houses, semi-detached, terraces and coach houses with hipped roofs and gables. As outlined above, some key houses such as corner plots, focal points, and those addressing the square would be of high quality and have 'feature' elevations where more architectural detailing is proposed, including Victorian style sash windows, chimneys, gabled pitch roof dormers with white barge boards, square box bay windows, white cottage style front doors, and porch detailing. Otherwise, houses would still be of a high standard with good variation in materials and detailing including brick arches and cills to window openings, plinths, and porch detailing. This variation in house type combined with the use of differing materials provides a very good visual interest to the development.
- 5.5.3 Materials proposed include muted red/brown multi stock bricks and clay roof tiles, white horizontal weatherboarding, and vertical tile hanging. These materials would draw from the local vernacular being similar to those used on more traditional and quality buildings within the High Street, which reflect the use of local Weald clays. I consider the materials are appropriate for this

location and conditions requiring samples of these materials could ensure a high quality.

- 5.5.4 The buildings would largely be 2 storeys in height but ridge heights would vary through slight changes in land levels and also from a number of 2.5 storey houses around the site with small dormer windows. Roof form would vary with gables and hips. Objections have been raised with regards to the 2.5 storey elements in terms of them not being in keeping with the area. Admittedly there are no such buildings within the surrounding 1960's and 70's housing estates, however, there are such buildings within Staplehurst, notably on the High Street. These changes in scale and roof form would provide good variation and interest within the house designs and roofscape.
- 5.5.5 I consider that the design of the dwellings would be of a high quality of design that would add to the overall quality of the area, provide a sense of place that reflects local surroundings and materials, and responds positively to local character and appearance. The buildings draw reference from some of the more historic and quality buildings within the centre of the village, and I consider the buildings would be high quality creating a visually attractive development and place to live, in accordance with the NPPF.

## **5.6 Landscape Impact & Landscaping**

- 5.6.1 In terms of landscape impact, the site does not fall within any specially designated landscape, however, it borders open countryside to the south, southwest and west. The site falls within the 'Staplehurst Low Weald' under the Landscape Character Assessment 2012, which is described as a low lying undulating clay landscape with both small fields with orchards, pasture, ponds and watercourses enclosed by thick native hedgerows but also large scale open fields where hedgerows have been removed for agriculture. In places, mature oak trees dominate where hedgerows have been lost and there are sparse scattered small woodlands. Where established hedgerows and mature trees exist, there is a strong sense of enclosure, however, where removed the landscape is simpler but the remaining hedges and trees do contain the landscape. Typically, views are intimate and contained but are longer and more open where arable cultivation has occurred.
- 5.6.2 As outlined earlier in the report, the northern part of the site comprises overgrown scrub land of brambles and semi mature trees with some open areas on the east side. The western part comprises immature woodland and the southern part is characterised by more open grassland with semi mature trees, which increase in number in the south and east. The boundaries of the entire site, both around the margins and within the site, are marked by established native hedges, which contain significant numbers of trees.

- 5.6.3 A landscape and visual assessment has been provided by the applicant, which assesses the visibility of the development and its impact upon the character of the area.
- 5.6.4 In terms of visibility, my assessment from the north is that there are no medium to long range views due to the presence of the large housing estates. In short range views, the houses along Butcher Close and Stanley Close would largely screen the development but there are gaps between houses which offer views of vegetation within the site and the appreciation of countryside beyond. Under the proposals, larger trees along the northern boundary would be retained and new planting is proposed, which would serve to soften the impact of the development. With this in mind, I do not consider the impact from north would be harmful.
- 5.6.5 From the east, views would be possible from public footpath KM312 between the tree/hedge line along the east boundary, however, they would be broken by this established vegetation and the development would not be overly intrusive from here. There are some glimpses between houses from Bathurst Road to the east and southeast, however again views of the development would be broken by the trees. The retention and improvement of the east landscaped boundary would serve to maintain a relatively low impact from these areas.
- 5.6.6 From the south, there will be inevitable clear views from public footpath KM311 as this runs from east to west inside the southern boundary of the housing development part of the site. I do not consider it is appropriate to try to hide or soften the development from here as this would result in new planting and further enclosure of this path. My view is that the allocation of housing development on this site must have acknowledged an inevitable impact from this path and it is the impact from vantage points further south that are more important. Public footpath KM302A runs from southeast to northwest 100m to 140m south of the housing part of the site, and footpath KM313 runs from east to west around 630m away. From these paths, the development will be noticeable but it would be behind and set back from the established tree/hedge line along the southern boundary. Policy H16 acknowledges the importance of retaining this boundary and I consider the proposals would achieve this with development set sufficiently back and spaced, with proposed landscaping to strengthen this boundary. With this in mind, I do not consider the visual impact from the south would be unacceptable.
- 5.6.7 From the southwest, there will be views of the housing area from public footpath KM302A as it runs through the southern field, and from the field as a whole, which will become a public area. However, views would be broken by

the southern boundary tree/hedge line which would be strengthened. Views of the balancing pond would be possible from here but I do not consider this would be a harmful feature.

- 5.6.8 From the west, the housing development would be screened by the woodland area within the application site which is to be retained. This area will become a public space and so closer views from within the woodland would be possible but they would not be prominent or intrusive due to the presence of the trees.
- 5.6.9 With regard to the impact upon the character of the area, the proposals would retain the established landscaped boundaries in accordance with policy H16 and the woodland area to the west. As such, the strong sense of enclosure would remain on the site, a characteristic of the local area. In medium range views from the south, existing houses on Bathurst Road and Bell Lane, although broken by vegetation, have a clear visual presence, and additional development within the site would not therefore be out of character.
- 5.6.10 A detailed landscaping plan for the application site has been provided, which shows the type and location of planting and a 10 year management plan. The landscaping and management proposals are principally divided into three areas, Area A – woodland west of the development area, Area B – southern field and Area C - residential area to the north.
- 5.6.11 The landscape officer considers that Area C follows the landscape character of the area using mostly indigenous native or near native tree species that are appropriate for their planting positions within the confines of the housing development. Just under 80 trees are proposed for this area, including field maple, beech, cherry, whitebeam, alder, rowan, and crab apple. Hedge planting including a native mix and hornbeam is proposed and mixed ornamental shrub areas. Infill planting to the tree/hedge boundaries would consist of field maple, hawthorn, spindle, crab apple, blackthorn and guelder rose. Planting densities and plant sizes as shown on the plan are considered acceptable by the landscape officer and the 10 year management proposals are comprehensive with the introduction of 20 bird boxes, 5 habitat bat boxes and 15 insect nesting boxes.
- 5.6.12 The management and enhancement of area A (woodland to the west) is detailed with infill thicket planting to the north and east boundaries, opening up woodland ride and glade areas, use of defined pathways, selective thinning to encourage growth of standard trees, and the introduction of log piles and hibernacula's, bat and bird boxes. More detailed plans showing the number of trees to be thinned within the Woodland and the southern field are requested so the extent of the works can be quantified, which can be secured by condition. On this basis, I consider the landscaping proposals to be acceptable.

- 5.6.13 Similarly the management and enhancement of area B (southern field) is detailed with habitat enhancement including selective removal of scrub and immature trees, infill planting of hedgerows, and introduction of log piles and hibernacula's, bat and bird boxes. The new pond will be designed to provide a suitable breeding environment for great crested newts with several suitable egg-laying plants for newts.
- 5.6.14 Allocation of the site for development acknowledged that a degree of visual impact will be had on the local landscape. Policy H16 seeks to retain the strong boundary trees and hedges on the west, south and east sides and the layout of the development will achieve this and includes further strengthening of these boundaries. As such, the site is, and will remain visually well contained in views from the wider area. The landscaping proposals and management plan would provide a quality setting to the development and enhancement of the open space areas and would be appropriate for the development and its location. For these reasons, I consider the landscape impact is acceptable.

## **5.7 Ecology**

- 5.7.1 A full ecological appraisal and Phase 2 surveys including further protected species/habitat surveys and assessments for bats, badgers, dormice, birds, reptiles and great crested newts has been provided. The summary and conclusion of the assessments are that the site supports a mosaic of common habitats (woodland, trees, scrub and rank grassland). These habitats have established through a lack of recent management and now provide an area of habitat of local value. The site has been found to support populations of slow worm, grass snake, common lizard, great crested newts as well as good assemblage of breeding birds, and foraging/commuting bats and badgers. It is advised that the presence of protected species elevates the value of these habitats, however, no uncommon habitats are present and the development area covers less than half of the area surveyed, with significant areas of woodland, scrub and grassland proposed for retention and conservation management. Due to the presence of reptiles and great crested newts detailed mitigation strategies have been submitted, which include some translocation to a receptor site. I will outline the findings and proposals for each species.

### **5.7.2 Reptiles**

- 5.7.3 Reptiles have been recorded across the whole of the site being a low population of grass snake, a low population of slow worm and a low population of common lizard. The populations in the northern field (housing area) and southern field (nature reserve) are fairly similar. It is estimated that the proposal will result in the loss of approximately 1.4ha of good quality reptile habitat in the northern

field. The reptile habitat in the southern field can be largely retained and enhanced and reptile here can be accommodated alongside the proposals. The only part of the southern field that will be impacted is a 0.2ha area for the SuDs pond with 0.1ha of grassland habitat reinstated around the pond. Overall, there would be a net loss of 1.5ha of suitable reptile habitat.

- 5.7.4 For the southern field, reptiles would be retained in-situ and the area would be managed and enhanced through 2 purpose built reptile/amphibian hibernacula, 20 log piles, compost heaps, and the reduction of scrub. A long-term management plan has been submitted which KCC Ecology consider is appropriate to maintain and enhance this area.
- 5.7.5 For the northern field, it is not considered appropriate to simply move the reptiles to the southern field and there is unlikely to be sufficient carrying capacity to introduce a large number of additional reptiles. To do this could create aggression and stress leading to mortality. Whilst it is proposed to improve the southern field in the longer term to allow population expansion, it is considered that another solution is required to accommodate reptiles currently found in the northern field. It is therefore proposed to translocate the reptiles to a receptor site comprising a minimum of 1.5ha (which would represent like-for-like replacement) of alternative habitat that will be capable of sustaining the reptiles.
- 5.7.6 The adjacent land to the site (rough grassland and scrub to the west and intensively managed arable land to the south) has been assessed but discounted due to the years of management and enhancement before they would offer good quality habitat. The search was therefore expanded to including sites that the applicant has an interest in at Langley Park, Paddock Wood and Hayle Place. Hayle Place, Postley Road, Tovil has been selected on the basis that in connection with housing development approved under application MA/12/1848, a significant area is due to become a Country Park under the S106 agreement. This land has been surveyed and it is considered that the site can accommodate the reptiles and there is scope for a suitable habitat within the site of some 1.8ha with long-term management proposed.
- 5.7.7 KCC Ecology have advised that they are satisfied with the methodology proposed to translocate the reptiles and that the Hayle Place site currently has sufficient carrying capacity. The translocation is proposed to be carried out in 2013, however if the translocation is delayed until 2014, they advise there will be a need for an up dated reptile survey to be carried out in both the Oliver Road Site and the Hayle Place Sites to ensure the carrying capacity of the site will not be exceeded as a result of the translocation. This is because there is currently a small population of reptiles at Hayle Place which may increase in size due to the habitat enhancements which have been carried out. If there is a



delay to the work being carried out it may result in a need for a new receptor site to be identified prior to the translocation being carried out.

#### 5.7.8 *Great Crested Newts*

- 5.7.9 Great Crested Newts (GCN) have been recorded within ponds surrounding the site. The housing development would result in the net loss of 1.83ha of suitable terrestrial newt habitat. This includes 0.07ha of core terrestrial habitat (i.e. within 50m of a GCN breeding pond) and approximately 1.76ha of intermediate terrestrial habitat (i.e. within 50-250m of a GCN breeding pond). Mitigation is focused on enhancing the areas of retained habitat including management of the woodland area to include thinning and log piles, and hedgerow management/strengthening. The southern field would be subject to selective scrub and tree removal, rotational cutting regimes, at least 3 hibernacula, and 15 log piles. A long-term management plan has been submitted which KCC Ecology consider is appropriate to maintain and enhance this area. The new balancing pond will be designed to provide a suitable breeding environment in line with Natural England guidelines. KCC Ecology have confirmed they are satisfied with the information detailed within the Great Crested Newt Mitigation strategy and this must be implemented as a condition of planning permission.

#### 5.7.10 *Bats*

- 5.7.11 Surveys have been carried out that identify low levels of bat activity across the site but some potential foraging opportunities and the hedgerow/tree lines providing commuting opportunities. Some trees have potential to contain roosting bats but all such trees are being retained. The submitted report advises that the removal of small sections of scrub/shrubs to widen existing gaps within the tree lines to create footpaths would not impact upon the canopy or integrity of these features for commuting. KCC Ecology are satisfied with the conclusions and that there is no need for further surveys. They advise that the Bat Conservation Trust's '*Bats and Lighting in the UK*' guidance is adhered to in the lighting design.

#### 5.7.12 *Badgers*

- 5.7.13 No badger setts were identified at the site but there is evidence that the site is used for foraging. An updated survey was carried out in February 2013 where the survey findings were the same as the 2012 survey findings. KCC Ecology acknowledges that there is potential for occasionally used badger setts to be found within the scrub areas. However, due to the presence of reptiles/GCN the scrub can only be removed as part of the GCN and Reptile mitigation. As a result KCC are satisfied with the proposed precautionary approach to ensure no badger setts will be accidentally impacted when works are being carried

out, which would involve checks with supervised staged vegetation clearance works during reptile and great crested newt work and all vegetation clearance within the site to be supervised by ecologists with clearance undertaken using hand held equipment. If minor badger setts are found we would undertake the necessary monitoring and close active setts under licence from Natural England.

#### 5.7.14 *Breeding Birds*

5.7.15 Breeding birds have been recorded within the site, which has been assessed as having local-district value. The boundary hedgerows/tree lines and woodland would be retained and continue to offer breeding and foraging opportunities for birds. Vegetation clearance would be carried on outside the bird nesting season and new planting will take into account value to birds. KCC Ecology have raised no significant issues in this respect.

5.7.16 In conclusion, paragraph 118 of the NPPF states that when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle:

*"If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*

5.7.17 In this case, the main harm caused by the development would be the loss of reptile habitat and terrestrial newt habitat. Whilst this is regrettable, mitigation and compensation is proposed in the form of translocation of reptiles to a suitable receptor site and significant enhancements to the southern field and woodland which can be secured by condition under the long term management plan. Therefore, based on the professional advice, I consider that suitable mitigation and compensation is provided and opportunities for maximising ecological enhancement measures are proposed, such that I have no objections to the application on ecological grounds.

## **5.8 Highways**

5.8.1 The applicant has submitted a detailed transport assessment which was prepared in consultation with KCC Highways. KCC have reviewed the assessment and have not questioned any of its findings.

5.8.2 Access to the site is via Oliver Road a 6.8m wide road with 1.8m wide footways on both sides. There are no parking restrictions in place and it is considered that there is sufficient road width and low vehicular flow to allow unimpeded

two-way vehicles movements where on-street parking occurs. An analysis of the crash data indicates that there are no particular crash problems in the vicinity of this site.

- 5.8.3 From Oliver Road, there are two vehicular routes to the wider highway network; one via Marden Road to the north and the other via Pope Drive (and through housing estates) to the east. Marden Road provides the most direct route from the site to the west and east. To the east Marden Road meets the A229, which is the primary route in the area towards Maidstone in the north and the A262 to the south (For links east towards Ashford and west towards Tonbridge). The Marden Road/A229 junction is signal controlled with pedestrian crossing. To the west, Marden Road becomes rural in nature and links to Marden. Pope Drive is likely to be used by those travelling to the A262 to the south who wish to avoid the traffic signal controlled junction.
- 5.8.4 Traffic surveys have been carried out including a manual and automatic count at the Marden Road/A229 junction. Trip generation for the development has been estimated using the Trip Rate Information Computer System (TRICS) which suggests some 32 two-way vehicular trips in the weekday morning peak hour and 34 two-way trips in the weekday evening peak hour.
- 5.8.5 It is estimated that 90% of these new trips will travel to the A229 of which 58% will be to/from the north and 42% to/from the south. This equates to 17 to/from the north and 12 to/from the south during the AM peak and 18 to/from the north and 13 to/from the south during the PM peak. The trips to/from the north are split equally between the A229/Marden Road traffic signals and Clapper Lane (avoiding the signal controlled junction).
- 5.8.6 The remaining trips to/from the south would be distributed along the existing residential roads leading from Oliver Road, Pope Drive, Bathurst Lane and emerging onto the A229 via either Bell Lane or Offens Drive. It is assumed that all trips to/from the south avoid the traffic signal controlled junction of the A229/Marden Road/Headcorn Road.
- 5.8.7 This all equates to an additional 11 vehicles on Marden Road west of Oliver Road and 11 on Marden Road east of Oliver Road in the AM peak and an additional 12 vehicles on Marden Road west of Oliver Road and 11 on Marden Road east of Oliver Road in the PM peak. This estimate shows a small increase on the local highway network and the impact upon the A229/Marden Road junction is summarised in the table below:

Impact at the A299 High Street/Marden Road junction

	AM peak hour	PM peak hour
2012 observed traffic flows	1466	1525
Development traffic	11	12
Proportional increase	0.8%	0.8%

- 5.8.8 Notwithstanding this small increase in traffic, a junction assessment of the A229/Marden Road junction has been carried out at the request of KCC involving observed flows and future predicated flows. It has revealed that at present the junction exceeds practical operating capacity in the AM and PM peaks, however, the development would not result in additional queues at the junction.
- 5.8.9 The assessment concludes that the traffic increase on the local highway network would be very small and it will not have a noticeable impact. Kent Highways have been consulted, have reviewed the transport assessment, and have raised no objections to these findings and the impact upon the local highway network. On this basis, I do not consider there are grounds to object to the development on local network capacity.
- 5.8.10 The site has good pedestrian connections via footways alongside roads and also via footpaths, including the public footpath along the eastern boundary which links to Bathurst Road and Bell Lane. There is a pedestrian and cycle link towards the railway station along Lime Trees to the north of Marden Road. Bus stops are on the A229 (680 to 780m away) with routes to Maidstone every hour Monday to Saturday and every two hours on Sundays. The train station is just over 1km to the north providing links to London and Ashford.
- 5.8.11 Car parking provision is providing for each residential dwelling, at a ratio of approximately 1.9 spaces per dwelling with 14 visitor's spaces. All but one of the larger properties (i.e. those of three bedrooms or more) would be provided with a minimum of two spaces each. Plots parking 34, 36 and 37 (all 3 bed) only have one allocated parking space each, however, two visitor spaces are proposed outside these properties and it is proposed that the registered provider will deal with the allocation on a tenancy basis so they would have more than one space. I consider this amount of parking strikes the right balance between sufficient provision and not over-encouragement of car reliance. I note KCC Highways have raised no objections to this provision but have recommended that additional parking is provided adjacent to plot 53 as this is a 4 bedroom dwelling with a parking space in tandem with a garage. Any

additional parking provision here would compromise the appearance of the entrance to the site, and with two spaces provided, on balance, I do not consider this is grounds to object. Timber bollards are proposed to prevent parking on green space, which I consider is necessary in order to maintain the quality of these areas and can be secured by condition.

5.8.12 KCC Highways have requested improvements of signing and lining to enhance safety at the junction of the A229 with Clapper Lane and the junction of the A229 with Bell Lane where visibility is restricted; bus boarders at the 4 bus stops nearest the site on the A229 in order that these are DDA compliant and accessible for all; a new puffin crossing on Marden Road as this is an important route for pedestrian between Oliver Road and the employment area, future retail and the rail station; and improvements to the existing footway connections between the site and the existing highway network (public footpath to east of site). They have sought these improvements through a Section 278 agreement under the Highways Act via a planning condition.

5.8.13 I have reviewed these requests in light of the test for conditions. I consider the improvements to junctions and bus boarders are necessary, relevant and reasonable due to the increased use as a result of the development. I agree that the route from Oliver Road north to the railway station and employment areas is important and that the development will increase footfall and therefore a proper crossing here is appropriate. The improvements to the existing footway connections between the site and the existing highway network I consider are very important to improve permeability, and to allow and encourage future residents to walk east to facilities in the village. I consider this only need be for around 140m length of the eastern footpath (KM312) from the northeast corner of the site as this would provide a quality link to footpath KM311 which links to Bathurst Road.

5.8.14 Overall, I consider the impact upon the local highway network would be acceptable, that the parking provision is acceptable, and that appropriate and proportionate highway improvements can be secured. With this in mind and no objections being raised by KCC Highways, I consider the proposals are acceptable with regard to highway implications.

## **5.9 Residential Amenity**

5.9.1 Objections have been raised with regard to a loss of privacy and overbearing impact upon properties immediately north of the site, mainly on Butcher Close. These houses range from approximately 11.5m to 13m from the northern boundary of the site with some having rear conservatories closer. The closest proposed houses along the north edge of the site would be 22m away from the Butcher Close houses. This distance is generally accepted as being suitable so

as not to result in an unacceptable loss of privacy and I consider it is acceptable in this case. I also note this same situation occurs for properties on the north side of Butcher Close where they are around 21m from the rear of houses on Pope Drive.

- 5.9.2 Whilst plots 50 & 51 are 2.5 storeys they would only have rooflights to the rear so I do not consider an unacceptable loss of privacy would occur. I have negotiated a change to plot 52 from a 2.5 storey dwelling with a rear dormer window to a 2 storey house to reduce any overlooking. I note that 24 Butcher Close, to the northeast, has a recently constructed two storey rear extension which extends around 3m closer to the site. As such, I have negotiated plots 44 & 45 be moved further south leaving a distance of 20.5m. Bearing in mind there are protected trees to be retained between this property and the proposed houses which would serve to break views, the angle, and the fact that there is a public footpath between, I do not consider there would be an unacceptable relationship or impact in terms of privacy.
- 5.9.3 In terms of outlook and light, again I consider the distance from properties to the north would ensure the new houses would not be overbearing or result in unacceptable loss of light to these properties despite a minor change in land levels. Inevitably, the proposals will result in a significant change to the rear outlook of properties to the north of the site, however, I do not consider that this is an unduly harmful or unacceptable impact, or one that warrants refusal of the scheme. Despite this, through negotiation, it is proposed to introduce more new trees along the northern boundary to soften the impact of the development upon these properties and also trellis above the new boundary fencing to provide better privacy.
- 5.9.4 In terms of the impact upon other neighbouring properties, all houses to the east of the site are over 42m away with the established and protected tree/hedge line between, and as such there would be no harmful impacts upon these properties. The houses on Stanley Close in the northwest corner would be over 33m from proposed houses here so there would be no objectionable overlooking or loss of light issues.
- 5.9.5 The development would increase noise in the area through that associated with traffic and the general use of houses. Traffic noise would affect 32 Butcher Close and 1 Stanley Close the most, those properties being either side of the entrance. Both these properties have solid boundary treatments alongside their rear gardens and the highway is generally wide (11m) with pavements either side. The situation of roads running alongside rear gardens is a common feature in the surrounding estate and I do not consider the level of traffic would be at such a level to result in unacceptable noise to these properties or any

others. I also note that Environmental Health have raised no objections in this respect.

- 5.9.6 I have reviewed the relationship of houses and gardens for the proposed properties and consider that a suitable standard of amenity would be provided for future occupants in terms of privacy and light. The gardens sizes are also of an acceptable standard. Three properties (plots 6, 7, 35) would have no garden being two 2 bedroom coach houses and the 1 bedroom coach house. These properties are of apartment size and I do not consider they necessitate a garden. The site clearly has easy access to public open space and on this basis, I consider these properties would have sufficient amenity.
- 5.9.7 I consider it is necessary to remove permitted development rights for extensions due to the close relationship between some existing and proposed properties.

## **5.10 Sustainability**

- 5.10.1 The applicants have submitted a sustainability assessment and energy statement. These identify that a Code for Sustainable Homes (CSH) Level 4 will be achieved for the development and a 10% of the predicted energy requirement will come from decentralised energy sources (solar PV). There will be a 28% reduction in CO<sub>2</sub> emissions over Building Regulations baseline through the improved thermal insulation of buildings and taking advantage of solar gain, high efficiency gas boilers to provide heating and hot water, low energy lighting and appliances, and solar panels on every house. Passive design principles have been employed. Water efficient devices and water butts will be installed where possible.
- 5.10.2 Other features considered, but subsequently dismissed for efficiency and viability reasons are:
- Biomass boilers;
  - Ground and air source heat pumps;
  - Solar thermal panels;
  - Wind turbines (small or large)
- 5.10.3 I consider that these features proposed within the development, would ensure that it would be delivered to a high standard, and would ensure that the proposal would be constructed, and thereafter operated as sustainable dwellings. The location of the site is considered to be sustainable being on the edge of a village with the population to support key services with employment, shops, education, community and healthcare facilities and good public transport links. The proposals would also provide open space and a nature conservation

area. The NPPF has at its heart the need to contribute towards sustainable development and in terms of energy use and efficiency, I consider the development would be of a high standard and comply with the requirements of the NPPF.

## **5.11 Proposed Open Space**

5.11.1 The application would provide approximately 2.9ha of public open space comprising a woodland area to the west of the housing site which would be opened up to public use with thinning of trees and the introduction of wood chip paths. Access to the woodland would be via the housing area to the east or from the field to the south. The larger field to the south would become a nature reserve where existing public and informal pathways would be maintained and new pathways created for improved access. Whilst public access to the southern field is already possible due to the public footpaths crossing the field, the proposals would create more informal pathways around the field and improve the area for the benefit of wildlife and create a quality nature reserve area for the development and wider village. The woodland area with public access would also provide a quality public space. As outlined above under section 5.7 (Ecology), these areas will be secured and maintained under the long-term management plan. This space is partly proposed due to ecology mitigation reasons, however, it would clearly provide a quality public space for the local community and the Parks team outline that there is currently a shortfall of 'amenity green space' which this would address.

5.11.2 The Council's Parks & Leisure section have recognised the benefits of this area but would not wish to adopt the space, I understand due to costs. The applicant has therefore held discussions with the Parish Council with regard to future co-ownership but I understand at this present moment in time the Parish do not wish to commit to this. As such, the applicant (Taylor Wimpey South East) will be responsible for managing the site in accordance with the management plan up until the areas of open space, including the woodland and southern field, have been legally handed over to the new managers. A Residents Management Company will take responsibility of the areas of public open space within the residential area of the northern field. Once planning permission has been granted the applicant will explore opportunities for Staplehurst Parish Council or Maidstone Borough Council to adopt and manage the woodland area and the southern field. If this land is not adopted by either of the Councils it will be managed by a Management Company. The applicant will be legally responsible for managing this land until it has been legally handed over to the new managers. This is a requirement of the Landscape and Ecology Management Plan but also a requirement of the Reptile and GCN Mitigation Strategies and the GCN Licence (when received).



## **5.12 Drainage & Flood Risk**

- 5.12.1 Surface water drainage for the development would be via a multi SUDs system including using existing field drains within the site (which already receive stormwater), a new balancing pond and porous surfaces where appropriate. A flood risk assessment has also been provided and the Environment Agency have raised no objections. They have asked for additional details relating to flow estimates and the detailed pond design and are satisfied that this can be dealt with by condition. Foul drainage would be to the current local network and due to the topography of the site the pumping station is needed to pump flows to the off-site network. Southern Water have confirmed additional capacity is needed in the local network and this can be sought by way of a legal mechanism under the Water Industry Act.

## **5.13 Planning Obligations**

- 5.13.1 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Affordable Housing and Open Space DPD's.
- 5.13.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -
- It is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 5.13.3 The applicants have submitted draft heads of terms and have put forward the following contributions:
- The provision of 40% affordable residential units within the application site (57% rented/43% shared equity).
  - An off-site open space contribution of £39,750 towards the provision of allotments in Staplehurst, provision of outdoor sports facilities in Staplehurst and for improvements, maintenance and replacement of play equipment at Surrenden Road play area. (See detail below)

- A contribution of £1,472 towards books, staff and extended hours at Staplehurst library (to be made to KCC).
- A contribution of £1160 towards new/expanded facilities and services for Community Learning covering the Staplehurst area both in adult education centres and through outreach community learning facilities (to be made to KCC).
- A contribution of £819 for adult social services towards assistive technology and enhancement of local community facilities to ensure full DDA access (to be made to KCC).
- A contribution of £37,296 for the Primary Care Trust towards the improvements of the existing healthcare facilities within the locality (Staplehurst & Marden).
- A contribution of £10,000 towards improvements to the 'Village Centre' building.
- Securing the proposed public space as open to the public in perpetuity and its long-term management.
- The provision of a new puffin crossing on Marden Road.\*
- The provision of improvements to the existing footway connections between the site and the existing highway network (public footpath to east of site).\*
- The provision of signing and lining to enhance safety at the junction of the A229 with Clapper Lane and the junction of the A229 with Bell Lane.\*
- The provision of bus boarders at the 4 bus stops nearest the site on the A229.\*

\*These matters would be provided under a Section 278 Highways Agreement through Grampian planning conditions rather than through a legal agreement.

5.13.4 The Council's adopted Development Plan Document (DPD) that relates to affordable housing requires that developers provide 40% of affordable housing within sites of 15 or more units and this remains the direction of travel in the emerging Local Plan for rural sites. As previously set out within the report, there has been a shortfall of affordable housing that has recently been provided within the rural areas, and within Rural Service Centres. The provision of 40% of affordable housing within this location, is therefore an extremely positive element of this development. The Housing Needs Survey identified a need for up to 48 homes including one, two, three and four bedroom dwellings. The affordable housing property sizes would meet the identified need and the Housing Section has confirmed the tenure split of 57% affordable rented and 43% would also meet the need. With all of this in mind, I consider that the

provision of this level and type of affordable housing to be necessary to make the development acceptable, of an appropriate level, and directly related to the development itself. I therefore consider that it complies with the three tests as set out above.

- 5.13.5 The open space contribution of £39,750 (£750 per dwelling) has been requested by the Council's Parks & Leisure Section. It is advised that Staplehurst is currently underprovided for in terms of a number of green spaces as indicated in the Green Spaces Strategy. Per 1000 population there is an under provision of Allotments and Community Gardens, Children's Play facilities, outdoor sports facilities and amenity green space.
- 5.13.6 They have explained that as the development includes the provision of over 2.6ha of public open space and woodland the normal amount requested (£1575 per dwelling) has been lowered. This is because the amount requested is based on the 7 types of green space and the relevant requirement of number of hectares of that green space per 1000 population. The requirement for these areas and the average cost to supply/install these areas gives the usual total of £1575 per dwelling. As the development is looking to install 'amenity green space' and a substantial area of 'natural and semi-natural green space', the calculations have been altered accordingly. The general cost to supply and install these two types of green space is not as substantial as costs involved to supply 'parks and gardens' or 'equipped play areas' for children and young people, for example, and as such that is why there is only typically a 33% reduction in the contribution requested in this instance.
- 5.13.7 The Council's DPD that relates to open space seeks new provision, part of which is often provided on-site for residential developments through children's play areas. In this case, no such play area is proposed but instead a contribution towards the existing play area at Surrenden Road is requested by the Parks section and put forward by the applicant. I am also aware that this was a preference of the Parish Council. This play area is some 400m on foot from the application site via footpaths and pavements along Bathurst Road and Surrenden Road. It is therefore easily accessible to future occupants of the site. Bearing in mind the size of the development being just over 50 houses, and the proximity and accessibility of this existing play area, I consider the lack of an on-site children's play area is not objectionable in this case and that future occupants would benefit from acceptable facilities in this regard. Because of the increased usage and consequent wear and tear on the equipment, contributions are requested towards updating or improving facilities, which would include the purchase of new or refurbishment of existing equipment, improvements to safety surfacing, fencing, benches and bins.

- 5.13.8 Other monies would be used for 'Allotments and Community Gardens' (There are currently no allotments provided in Staplehurst and so the contribution received would be put toward the purchase or development of an allotment site in the parish); 'Outdoor sports facilities' (Monies would be used to improve existing sports facilities in the area, examples would be drainage and aeration of pitches, replacement of goal posts, refurbishment of existing pavilions and improvements in general ancillary items); 'Amenity greenspace' (Monies would be used towards the planting of trees, provision of bins, benches and picnic tables, fencing, and other items, within the parish of the development)
- 5.13.9 I consider that the request is necessary to provide sufficient open space, sport and recreation facilities in line with the Council's DPD and the NPPF. I consider the request has been sufficiently justified such that it is directly related to the development and the impact it would create, and reasonable. Because a lower contribution is being sought due to the provision of public open space within the development, I consider it is necessary, directly related to the development and reasonable to secure this space as open to the public in perpetuity and also its long term maintenance through a legal agreement.
- 5.13.10 The contribution towards library book-stock has been requested in order to ensure that the additional strain from residents within this development upon the village library can be accommodated. I consider that the request is necessary, directly related to the development and reasonable.
- 5.13.11 The contribution towards 'community learning' has been requested in order to ensure that the additional strain from residents within this development upon such services can be mitigated. This would be used towards project costs of adult education centres in the Staplehurst area and through outreach community learning facilities, local to the development. Full justification has been provided and I consider that the request is necessary, directly related to the development and reasonable.
- 5.13.12 The contribution towards 'adult social services' has been requested in order to ensure that the additional strain from residents within this development upon such services can be mitigated. This would be used towards 'telecare' services, which enables clients to live as independently as possible in their own homes and the enhancements of local community facilities to ensure full DDA access to allow access to all. I consider that the request is necessary, directly related to the development and reasonable.
- 5.13.13 With regards to the contribution towards the Primary Care Trust (PCT), the contribution would be used to support the delivery of investments within the PCTs Strategic Service Development Plan. This would allow the PCT to support the additional residents from the development and monies would be used

towards extension refurbishment and/or upgrade at the Staplehurst Health Centre and Marden Medical Centre in order to provide the required capacity. Clearly, 53 additional families within the village would place an additional strain upon the existing facilities and I therefore consider the request for contributions to be necessary, directly related to the development and reasonable.

5.12.14 The highway improvements as set out above, have been fully considered within the 'highways' section of this report. I consider that these improvements are necessary to make the development acceptable, however, I am satisfied that these are able to be dealt with as Grampian conditions to any permission granted. I am satisfied that these requirements meet the tests as set out within Circular 11/95.

5.13.15 Representatives of the 'Staplehurst Village Centre' have put forward requests for contributions. The 'Centre' is off the High Street with Charity status, and run by a group of Trustees providing community facilities. It has halls and meeting rooms which cater for regular activities, organisations & groups, directly from the community. Examples given by the centre include:-

*Pre-School - Daily use by Staplehurst Under 5's*

*Young people 7-11 yrs - Urban dance/Judo*

*Adults - Education, Exercise/Pilates & Tai Chi classes*

*Groups - WI, Horticultural society, Staplehurst Drama, Staplehurst Society*

*Organisations - Citizens Advice & Staplehurst Parish Council*

5.13.16 It is put forward that the increase in homes will potentially impact on the capacity for pre-school children in the village. It is also put forward that the 'Centre' is an official 24/7 emergency centre for Staplehurst Primary School and an Evacuation Centre in the event of an emergency. For these and the above reasons, it is considered by the 'Centre' that there is a need to keep the building at an acceptable standard to satisfy the impact that more homes would bring. The 'Centre' have outlined that provision is needed for a better set out car park both to the front and rear, to accommodate the extra usage; that the heating system ideally needs to be replaced along with modern radiators, as these are at present the original kit when built (circa 1876); and that provision for a better laid out toilet facilities with a new hot water system for hand washing. Currently the applicant is offering £10,000 towards the 'Centre'.

5.13.17 I have considered carefully this matter in the context of the strict CIL Regulations. I see that many of the activities and groups at the 'Centre' would not necessarily be used by future residents of the development (in the way that health care services would/must) and so I cannot state that a

contribution to the Centre would be directly related to the development. Whilst the 'Centre' no doubt provides benefits to the community, I do not consider a contribution towards the centre is actually necessary to make the development acceptable. Nor have I been made aware that it could not accommodate the increase in residents. For these reasons, I do not consider the proposed contribution of £10,000 meets the Regulations and this will not be sought through the planning application under the legal agreement.

## **5.14 Other Matters**

- 5.14.1 Other issues raised and not covered by the assessment above include, disruption during construction, loss of value, loss of informal paths through site, and that a private path is likely to be used by future residents.
- 5.14.2 Like any development site, there will inevitably be disruption during construction, however this is for a temporary period and clearly there is other legislation such as Environmental Health controls and Highways laws to protect people's interests. As such, I consider standard informatives are sufficient in this respect. The loss of value to property is not a material planning consideration and is not grounds to refuse the application. Whilst there are informal paths through the site, this is not public land and they are not public footpaths. As such, any loss of informal paths is not a material planning consideration. All public footpath routes through the site would be maintained. Trespass onto private land is a civil matter for land owners and is not grounds to refuse the application.

## **6. CONCLUSION**

- 6.1.1 As outlined above, a factor against approval of this application is that it is a greenfield site that is not currently allocated within an emerging Local Plan. However, the site is within the adopted Local Plan as a housing site and the greenfield moratorium has been lifted. Furthermore the relevant housing policies (H1 and H16) were 'saved' in 2007 and therefore, its use for housing is in accordance with the Development Plan, a strong material consideration, and it is considered that these policies are consistent with the NPPF in that they seek to provide a specific deliverable housing site at a sustainable location.
- 6.1.2 The emerging Core Strategy indicates the direction of the Council in providing a sizeable proportion (potentially around 20%) of housing development in the rural areas and identifying Staplehurst as a 'Rural Service Centre' and allowing appropriate housing development on greenfield sites to provide at least 195 dwellings. Staplehurst is a sustainable village with appropriate facilities and the proposals would provide needed housing and contribute to its viability and vitality. It is also of note that completions in the rural areas and RSC's have

recently been low and there has been a lack of affordable housing in Staplehurst. The proposal would provide affordable units to help address the acute need for affordable housing in the rural area.

- 6.1.3 Ultimately, I consider the proposals comply with policy H16 of the Local Plan and having taken into account all material planning considerations, I consider that there is no overriding planning harm to warrant a refusal of the application. The NPPF at paragraph 14 outlines that, *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."* For decision making it outlines that, *"this means approving development proposals that accord with the Development Plan without delay."* For the above reasons, the proposals are considered to accord with the Development Plan. The proposals are considered to be of a high design quality and would achieve the economic, social and environmental goals of sustainable development under the NPPF.
- 6.1.4 As such, I therefore recommend that permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

## **7. RECOMMENDATION**

Subject to the prior completion of a legal agreement, in such terms as the Borough Solicitor may advise, to provide the following;

- The provision of 40% affordable residential units within the application site.
- A contribution of £39,750 towards the provision of allotments in Staplehurst, provision of outdoor sports facilities in Staplehurst, and for improvements, maintenance and replacement of play equipment at Surrenden Road play area.
- A contribution of £1,472 towards books, staff and extended hours at Staplehurst library (to be made to KCC).
- A contribution of £1160 towards new/expanded facilities and services for Community Learning covering the Staplehurst area both in adult education centres and through outreach community learning facilities (to be made to KCC).
- A contribution of £819 for adult social services towards assistive technology and enhancement of local community facilities to ensure full DDA access (to be made to KCC).
- A contribution of £37,296 for the Primary Care Trust towards the improvements of the existing healthcare facilities within the locality.

- Securing the proposed public space as open to the public in perpetuity and its long-term management.

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

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the amenity of existing and prospective occupiers in accordance with the NPPF 2012.

3. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with the NPPF 2012.

4. The development shall not commence until, written details and samples of the materials, which shall include stock brick, clay tiles, and weatherboarding to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF 2012.



5. The development shall not commence until, details of all fencing, walling and other boundary treatments, including measures to prevent car parking on amenity areas, 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 and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with the NPPF 2012.

6. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to the NPPF 2012.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 in accordance with the NPPF 2012.

8. All planting, seeding or turfing comprised in the approved details of landscaping as outlined under the 'CSa Environmental Planning' Landscape & Ecology Management Plan received on 2nd May 2013, shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local

Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development and to ensure that suitable mitigation and enhancement is provided for ecology within the application site in accordance with policies ENV6 and H16 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

9. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

10. The mitigation and compensation measures outlined in the Great Crested Newt Mitigation Strategy received on 2nd May 2013 shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site in accordance with the NPPF 2012.

11. The mitigation and compensation measures outlined in the Reptile Mitigation Strategy received on 2nd May 2013 shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site in accordance with the NPPF 2012.

12. The 'precautionary works to avoid potential impacts to badgers' report received on 2nd May 2013 shall be followed unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site in accordance with the NPPF 2012.

13. In the event that the translocation of reptiles is delayed and does not commence within 2013, an up-dated reptile survey for the application site and the proposed receptor site, and full mitigation strategy, shall be submitted to and approved in writing by the Local Planning Authority prior to removal of any reptiles from the application site. The subsequently approved strategy shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site in accordance with the NPPF 2012.

14. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with the NPPF 2012.

15. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000 and the NPPF 2012.

16. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals.
- iii) Details of the soldier courses.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with the NPPF 2012.

17. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention in accordance with the NPPF 2012.

18. Trees shall be retained in accordance with the tree protection plan received on 22nd November 2012. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 and H16 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

19. The development shall not commence until specific details of any tree removal within the woodland area and southern field have been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interests of visual amenity in accordance with the NPPF 2012.

20. The development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall be designed with the needs of the entire run off derived from the site taken into account and include clarification of greenfield runoff flows; details of freeboards of 150mm for dwellings above the areas of proposed overland flood flow routes; and the specific details of the pond design to include details of outfall where water will be discharging.

Reason: To prevent flooding by ensuring the satisfactory storage/ disposal of surface water from the site in accordance with the NPPF 2012.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To ensure protection of the underlying aquifer from any unsuspected contamination in accordance with the NPPF 2012.

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

Reason: To ensure protection of the underlying aquifer in accordance with the NPPF 2012.

23. The recommendations within the 'Ecological appraisal and Phase 2 surveys' report shall be adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site in accordance with the NPPF 2012.

24. No occupation of the development hereby permitted shall take place until the provision of improvements in the form of signing and lining to enhance safety at the junction of the A229 with Clapper Lane and the junction of the A229 with Bell Lane have been made. Full details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy T23 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

25. No occupation of the development hereby permitted shall take place until the provision of bus boarders at the 4 bus stops nearest the site on the A229 have been made. Full details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the NPPF 2012.

26. No occupation of the development hereby permitted shall take place until the provision of a new puffin crossing on Marden Road has been made. Full details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy T23 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

27. No occupation of the development hereby permitted shall take place until the provision of improvements to public footpath KM312 have been made. Full details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian permeability and good design in accordance with the NPPF 2012.

28. The development shall be carried out in accordance with the 'CSa Environmental Planning' Landscape & Ecology Management Plan received on 2nd May 2013;

Reason: To ensure that suitable mitigation and long term management is provided in the interest of biodiversity in accordance with the NPPF 2012.

29. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. as outlined under the 'Drawing Register' received on 7th May 2013

Reason: To ensure the quality of the development is maintained, in the interests of visual amenity and to prevent harm to the residential amenity of existing and prospective occupiers in accordance with policy H16 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

### **Informatives set out below**

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and

1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at [suds@kent.gov.uk](mailto:suds@kent.gov.uk).

The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from the Health Protection Agency.

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development and this should be sought under Section 98 of the Water Industry Act 1991.

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

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

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.