

APPLICATION: MA/12/1949 Date: 26 October 2012 Received: 29 October 2012

APPLICANT: Mr G Norton, Wealden Ltd

LOCATION: KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT, TN27 9TD

PARISH: Headcorn

PROPOSAL: Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for 25 dwellings inclusive of 10 affordable dwellings), inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane as shown on drawing nos. PL-GH-001, PL-GH-002, drawing no. OLH-004, Design and Access Statement, Planning Statement, Ecological Mitigation Strategy, Tree Assessment, Bat Emergence Survey, Flood Risk Assessment and Transport Statement received 26/10/2012, as amended by e-mail dated 30 November 2012 confirming that only landscaping is a reserved matter and further amended by letter dated 9 January 2013 drainage calculations and drawing no. 1129-1001-ENG-01revP2 received 11/01/2013, Amended Ecological Survey dated 30/01/2013 received 04/02/2013 and as further amended by letter dated 19 July 2013 and drawing nos. PL-GH-ALPrevD, PL-GH-14revB to PL-GH-21revB, PL-GH-22revA to PL-GH-42revA, materials schedule GN/13/2013 and dwelling detailing received 22/07/2013.

AGENDA DATE: 8th August 2013

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Headcorn Parish Council
- It is a departure from the Development Plan due to the site's location outside the defined settlement boundary of Headcorn

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV34, T13, T23, CF1
- Government Policy: NPPF 2012

2. BACKGROUND

- 2.1 This application was reported to the Planning Committee on 27 June 2013. A copy of the previous report is attached at Appendix One.
- 2.2 At the meeting, Members resolved to defer consideration of the application for further negotiations regarding the design and layout, including highways and the location of the play area, ecological enhancements and the Heads of Terms of the proposed s106 legal agreement.
- 2.3 Further negotiations have taken place and revisions to the scheme have been made. In summary the main changes are:-
- It is now proposed to erect 25 dwellings on the site with 10 affordable units (40%).
 - The site frontage to Grigg Lane has been amended and numbers of dwellings reduced in this area to provide more openness and further landscaping areas indicated.
 - It has been confirmed that block paving will be used for all access roads and driveways.
 - Further information on the architectural detailing of the dwellings has been provided.
 - The LAP position has not changed but the house types around it have been revised to provide for greater surveillance of the area.
 - The applicants have restated their commitment to provide dwellings that meet Code Level 3 of the Code for Sustainable Homes and no higher.

- 2.4 A further period of consultation on the amended plans has been carried out. Any revised representations that have been received to date are summarised below.

3. CONSULTATIONS

- 3.1 **Headcorn Parish Council:** Objected to the original proposals. They have now confirmed that they have no additional comments to make on the revised proposals and that their previous comments still remain.

- 3.2 **Kent Highway Services:** Raised no objections to the original proposals. See the appended report for comments. Any revised views will be reported to Members at the meeting.
- 3.3 **KCC (Mouchel):** As a result of the changes to the scheme the revised contribution request is as follows:
- 1) A contribution of £3215 towards the provision of additional bookstock and services at Headcorn Library and other libraries serving the development.
 - 1) A contribution of £717.75 for new and expanded facilities through dedicated adult education centres and through outreach community learning facilities local to the development.
 - 2) A contribution of £398.50 towards the provision of Adult Social Services facilities to be used for the provision of assistive technology (Telecare) and building community/rural capacity through enhancement of local community facilities to ensure full DDA access.
 - 3) A contribution of £59,024 towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development.
 - 4) A contribution of £48,102.25 house towards acquisition of additional land to accommodate expansion of Headcorn Primary school.
- 3.4 **NHS Property Services (formerly West Kent PCT):** As a result of the changes to the scheme, the revised contribution sought is £20,484, based on the 15 market units:
- 3.5 **MBC Parks and Open Spaces:** Have requested an off-site green space contribution of £800 per property (**£20,000**). This would be used for the upgrading of formal outdoor playing fields within the village. This figure is reduced from the normal level of contribution requested (£1,575/unit) in recognition of the provision made within the site as part of the application.

4. REPRESENTATIONS

- 4.1 No further representations received to-date. Any views that are received will be reported to Members at the meeting.

5. CONSIDERATIONS

5.1 Revised proposals

- 5.1.1 The revised plans show the erection of 25 dwellings on the site, comprising a mixture of detached, semi-detached and terraced houses.
- 5.1.2 The frontage of the site to Grigg Lane has been amended. One unit has been deleted in this area which has allowed greater space between dwellings to be

provided. The dwellings are no longer a terrace of eight units but comprise two pairs of semi-detached units and a terrace of three units. The parking court at the rear of the frontage dwellings has been reduced by three spaces and 15 spaces are now proposed (previously 18).

- 5.1.3 One unit has also been deleted from the terrace (now three units previously four units) overlooking the parking court and this has enabled three dwellings (plots 16-18 formerly plots 19-21) that face onto the main site access road to be move eastwards freeing-up more landscape space to the front adjacent to the road.
- 5.1.4 The dwelling on plot 7 (previously plot 9) has been amended so that there are now a greater number of windows (four in total) on the east flank elevation facing towards the proposed LAP. The LAP will also be directly overlooked by plots 8 and 9 and also indirectly from plot 3.
- 5.1.5 The house types throughout the site generally, have been reviewed and greater architectural detailing proposed. The typical detailing is also shown separately on additional information submitted. The applicants have confirmed that with the exception of the first 15-16m of the site access road (which will be asphalt), the roadways and parking/drive areas will be paved using block paving.
- 5.1.6 Landscaping is a reserved matter and not to be determined as part of this application. However, the changes to the scheme have allowed for the opportunity to provide increased landscaping to the Grigg Lane frontage and along the internal access road. Important connecting habitat corridors are retained on the site boundaries and new connecting corridors provided within the site. These are indicatively shown and detailed planting proposals can be secured at reserved matters stage with the principles guided by appropriate conditions as part of any approval of this application.

5.2 Assessment

- 5.2.1 I consider that the changes to the application have resulted in an improved site frontage to Grigg Lane. The previously proposed terrace has been deleted in favour of a small central terrace of three units and two pairs of semi-detached units. This in turn has increased spacing between dwellings and also the available space for landscaping on the site frontage. Landscaping is a reserved matter and whilst therefore no specific planting details are shown available space for landscaping is indicatively shown.
- 5.2.2 Similarly, the deletion of one of terraced units (now plots 13-15) and the re-siting eastwards of the three dwellings on plots 16-18 has provided for a softer frontage to the access road and also increased the opportunity available for landscaping.

- 5.2.3 The applicants have also reviewed and revised the architectural detailing on the proposed house types across the site. The details shown are appropriate and include appropriate elements of the local vernacular. These include the use of club tiles/ornamental tiles for tile hanging, dental brickwork, exposed rafter feet brick cills and plinths.
- 5.2.4 Whilst the applicants have not changed the siting of the LAP, it is considered that it is adequately overlooked and plot 7 has been revised to include a greater number of east flank windows overlooking the LAP. These windows serve habitable rooms. The LAP would also be directly overlooked by the dwellings on plots 8 and 9 immediately to the south and indirectly by plot 3 to the south west which has a two-storey bay window in the east facing flank elevation. I consider the arrangement to be acceptable.
- 5.2.5 The development will achieve Code Level 3 within the Code for Sustainable Homes. Officers have sought to achieve Code Level 4 but the applicants have declined to accede to this request. The primary reason being the additional cost but also because there is no adopted local policy that seeks to secure Code Level 4.
- 5.2.6 I concur with the latter reason. There is an emerging draft policy but this has very little weight at the current time and has also not been independently tested or examined. Where Code Level 4 cannot be achieved by negotiation, the Council is not, due to the current lack of an adopted local policy in a position to insist on that level being achieved.
- 5.2.7 As stated above, landscaping is a reserved matter. The changes to the scheme have allowed for the opportunity to provide increased landscaping to the Grigg Lane frontage and along the internal access road. Important connecting habitat corridors are retained on the site boundaries and new connecting corridors provided within the site.
- 5.2.8 These are indicatively shown and detailed planting proposals can be secured at reserved matters stage with the principles guided by appropriate conditions as part of any approval of this application.
- 5.2.9 I consider that the design and layout changes have addressed Members' previously expressed concerns and the reasons for deferral.

5.3 Highways

- 5.3.1 The access roads through the site have been designed as shared surfaces designed to 'Homezone' principles to secure low vehicle speeds in the region of

15mph. As a matter of principle, shared surface roadways are acceptable for residential developments.

5.3.2 Kent Highway Services have no objections to the layout as proposed in terms of the impact on the local highway network or the scheme's layout itself.

5.3.3 I would remind Members that a significant safety improvement locally will be provided by the applicants as they will fund the construction of a pedestrian footway along part of the west side of Oak Lane north of its junction with Grigg Lane as part of the application.

5.4 Residential Amenity

5.4.1 The scheme as originally presented to Members was considered not to adversely affect the residential amenity of existing dwellings in The Hardwicks or Hydes Orchard. The revised scheme has not changed this view. Appropriate privacy and levels of amenity will also be provided within the scheme itself.

5.5 S106 obligations

5.5.1 Any s106 obligation should meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012, which state that any obligation must be:-

- (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

There have been requests from West Kent PCT, Kent County Council and the Council's Parks and Leisure section for s106 contributions.

5.5.2 In respect of the NHS Property Services contribution this would be used for Headcorn surgery. The surgery is currently under construction and NHS Property Services have advised that its capacity has been designed to take into account expected population growth in the village and that the investment to achieve this additional capacity has been 'front-loaded' into the scheme by the NHS, with the housing schemes as they come on-stream being requested to make contributions to offset the investment. I consider that sufficient justification has been provided and that the requested contribution meets the tests.

5.5.3 I consider that the requests from Kent County Council towards library facilities, community learning and adult social services and the Primary school contributions for expansion and land acquisition are justified and that the

relevant tests are met as the contributions would be used to enhance local facilities and meet additional need generated by the development.

5.5.4 Ten units of affordable housing are to be provided which complies with adopted Development Plan policy as this equates to 40% of the total provision on the site. The provision of affordable housing is adopted development plan policy and I consider that the tests are met.

5.5.5 The requested off-site open space contribution at £800/unit (normally £1575/unit) which is to be used towards the improvement of outdoor playing fields within Headcorn village reflects the provision on site as part of the development. I consider that the request is justified and that the tests are met.

5.5.6 Whilst not a matter for the s106 agreement I would remind Members that the applicants are also funding the provision of a pedestrian footway along Oak Lane which is anticipated will cost in the region of £60,000 to £70,000.

6. CONCLUSION

6.1 The development site is located in the countryside outside the defined boundary of Headcorn village and as such represents a departure from development plan policy and would normally warrant refusal.

6.2 There are however, material considerations which have been set out and addressed in the previous report which indicate a different decision could be made.

6.3 The development would not result in such unacceptable harm to the countryside as to warrant refusal. As discussed earlier in the report it takes the form of an infill development between the existing defined boundary of the village and the adjacent mixed-use development at The Hardwicks. The site is not readily visible in medium to long distance views and would in any event be read with the development either side of it. The site is in a sustainable location and lies immediately adjacent to a Rural Service Centre which does accord with the advice in the National Planning Policy Framework.

6.4 There is also the issue of the current lack of a five-year housing land supply. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.

6.5 The principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on

residential amenity and following detailed submission and mitigation, in terms of landscaping and ecology.

- 6.6 Changes have been made to the number of units proposed and the site layout following the concerns raised by Members at the Committee on 27 June. I consider that these changes have addressed the concerns raised by Members.
- 6.7 Subject to the prior completion of a s106 agreement in accordance with the heads of terms set out above and the imposition of appropriate conditions, I recommend that permission should be granted.

7. RECOMMENDATION

The Head of Planning and Development be given DELEGATED POWERS TO GRANT Permission subject to the following conditions and informatives

SUBJECT TO:

A: The prior completion of a s106 legal agreement, in such terms as the Head of Legal Services may advise, to secure;

- The provision of a minimum of 40% affordable housing.
 - A contribution of £3215 towards the provision of bookstock and library services.
 - A contribution of £717.75 towards the provision of community learning facilities and services.
 - A contribution of £398.50 towards the provision of Adult Social Services facilities.
 - A contribution of £59,024 towards the build costs of extending Headcorn Primary School as a result of the additional need arising from the development.
 - A contribution of £48,102.25 house towards acquisition of additional land to accommodate expansion of Headcorn Primary school.
 - A contribution of £20,000 to be use for the improvement of outdoor playing fields within Headcorn village
 - A contribution of £20,484 towards the provision of primary healthcare services at Headcorn Surgery.
1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- a. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

- (i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans.
- (ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the re-aligned Public Right of Way within the site (including its routeing, method of construction and foundations), the roadway in the north east corner of the site adjacent to the proposed LAP and the construction of the dwellings on plots 5-7, 8 and 13.
- (iii) A long term landscape management plan for the site including the open area to the west of Plots 1 and 4, to be prepared having regard to and in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.
- (iv) The provision of native species hedging and hedgerow trees to the Grigg Lane frontage west of the access road and the frontages of plots 19 -25 inclusive
- v) The provision of natives species hedging and railings/dwarf walls/fencing to the highway frontages of the remaining proposed dwellings other than plots 19-25 inclusive.
- (vi) Measures to prevent parking on the landscaped verges along the site access roads.
- (vii) Appropriate native species under-storey planting to the proposed woodland corridors.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

3. The development shall be carried out in accordance with the recommendations of the ecological survey report dated 30 January 2013 and the Mitigation Strategy dated 1 August 2012 (both prepared by Flag Ecology) and shall include;
 - (i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.
 - (ii) the retention of a proportion of the cordwood within the site.
 - (iii) the provision of refugia and hibernacula.
 - (iv) the provision of 'wildlife-friendly' drainage gullies.

Reason: To secure appropriate enhancement within the site in the interests of

ecology and biodiversity pursuant to the advice in the National Planning Policy Framework 2012.

4. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. 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 pursuant to the advice in the National Planning Policy Framework 2012.

5. 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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

6. The external materials used in the construction of the of the dwellings shall be as specified in the external materials schedule GN/13/2013 received 22/07/2013 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in the National Planning Policy Framework 2012.

7. 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, Classes A, B and F and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in the National Planning Policy Framework 2012.

8. The dwellings shall achieve at least code 3 of the Code for Sustainable Homes. A final Code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and the advice in the National Planning Policy Framework 2012.

9. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped area has been minimised.

The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

10. The development shall not commence until a detailed design for a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage design should include details of how the scheme shall be maintained and managed after completion.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

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

Reason: To prevent flooding both on and off site by ensuring the satisfactory storage and disposal of surface water in accordance with the advice in the National Planning Policy Framework 2012.

11. The development shall not commence until a details of foul water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul water pursuant to the advice in the National Planning Policy Framework 2012.

12. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings 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 pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. No part of the development hereby permitted shall be occupied until the footway on Oak Lane shown on drawing no OLH-004 received 26/10/20012 has been constructed, completed and provided with its final external surface.

Reason: In the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

14. Before the development hereby permitted is first occupied, the proposed first floor east facing bathroom window to plot 13 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers pursuant to the advice in the National Planning Policy Framework 2012.

15. The development shall not commence until an Order has been made pursuant to s257 of the Town and Country Planning Act 1990 (as amended) for the diversion and reconstruction of Public Right of Way KH606.

Reason: In order to ensure that the public right of way is not adversely affected in accordance with Policy ENV26 of The Maidstone Borough-Wide Local Plan 2000.

16. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the amenities of existing and future residents and to ensure compliance with the National Planning Policy Framework 2012.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing no OLH-004 received 26/10/2012 and drawing nos. PL-GH-ALPrevD, PL-GH-14revB to PL-GH-21revB, PL-GH-22revA to PL-GH-42revA, materials schedule GN/13/2013 and dwelling detailing received 22/07/2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area and the residential amenity of neighbouring occupiers in accordance with the advice in the National Planning Policy Framework 2012.

Informatives set out below

When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work,

for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

You are advised that:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Kent County Council Public Rights of Way Office.
3. There should be no close board fencing or similar structure over 1.2 metres in height erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However given the current shortfall in the required five-year housing supply and the lack of unacceptable harm to the character or appearance of the area as a result of the development and its relationship with the wider countryside and existing adjoining development, together with the site's sustainable location immediately adjacent to a rural service centre a departure from that policy would be likely to result in only minor harm to the character of the countryside.

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.