

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 17 August 2017

Time: 6.00 pm

Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Boughton, Clark, Cox, English (Chairman), Harwood, Hemsley, Munford, Powell, Prendergast, Round, Spooner, Mrs Stockell and Vizzard

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 24 August 2017
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying

Continued Over/:

Issued on Wednesday 9 August 2017

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone ME15 6JQ**

9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services on democraticservices@maidstone.gov.uk or 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 JULY 2017

Present: Councillor English (Chairman) and Councillors Boughton, Brice, Clark, Cox, Harwood, Hemsley, Munford, Powell, Round, Spooner, Mrs Stockell and Vizzard

Also Present: Councillors Mrs Gooch, Harvey, Perry and Springett

99. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Prendergast, and that Councillors Boughton and Harwood would be late in arriving at the meeting.

100. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Brice was substituting for Councillor Prendergast.

101. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/500888 (Gunwalloe, 59 Tonbridge Road, Teston, Kent).

Councillor Harvey indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/501196 (Riverhill Apartments, 10-12 London Road, Maidstone, Kent).

Councillor Perry said that he had intended to speak on the report of the Head of Planning and Development relating to application 15/501537 (Maplehurst Lane, Frittenden Road, Staplehurst, Kent), but it was now recommended that the application be withdrawn from the agenda.

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/502118 (Mount Lodge, Church Lane, Bearsted, Maidstone, Kent).

102. ITEMS WITHDRAWN FROM THE AGENDA

15/501537 - CHANGE OF USE OF LAND FOR THE PERMANENT STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY (PART RETROSPECTIVE) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, KENT

The Chairman sought the agreement of the Committee to the withdrawal of application 15/501537 (Maplehurst Lane, Frittenden Road, Staplehurst, Kent) from the agenda due to a procedural error which had only just come to light.

RESOLVED: That agreement be given to the withdrawal of application 15/501537 from the agenda.

16/506067 - STEEL FRAMED AGRICULTURAL GRAIN STORAGE BUILDING - GREAT TONG FARM, GREAT TONG, HEADCORN, KENT

The Chairman sought the agreement of the Committee to the withdrawal of application 16/506067 (Great Tong Farm, Great Tong, Headcorn, Kent) from the agenda as the consultation deadline had not expired when the report was written.

RESOLVED: That agreement be given to the withdrawal of application 16/506067 from the agenda.

103. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

Note: Councillor Boughton entered the meeting at the start of this item (6.05 p.m.).

104. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

105. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

106. MINUTES OF THE MEETING HELD ON 6 JULY ADJOURNED TO 13 JULY 2017

RESOLVED: That the Minutes of the meeting held on 6 July adjourned to 13 July 2017 be approved as a correct record and signed.

107. PRESENTATION OF PETITIONS

There were no petitions.

108. DEFERRED ITEMS

16/505598 - ERECTION OF A PAIR OF THREE BEDROOM SEMI-DETACHED DWELLINGS - CRICKET AND TENNIS CLUB, FRITTENDEN ROAD, STAPLEHURST, KENT

17/501093 – APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) PURSUANT TO 15/507424/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS (INCLUDING A MINIMUM OF 40% AFFORDABLE HOUSING), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, SURFACE WATER ATTENUATION, VEHICULAR ACCESS POINT FROM MILL BANK AND ASSOCIATED ANCILLARY WORKS. (ACCESS APPROVED) - LAND WEST OF MILL BANK, MAIDSTONE ROAD, HEADCORN, KENT

The Development Manager advised the Committee that he had nothing further to report in respect of these applications at present.

109. 17/500888 - RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF DECKING AT REAR AND WALKWAY LEADING TO DECKING AT SIDE OF PROPERTY - GUNWALLOE, 59 TONBRIDGE ROAD, TESTON, KENT

The Committee considered the report of the Head of Planning and Development.

Mrs Jackson, an objector, Councillor Douglass of Teston Parish Council and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposal would result in unacceptable overlooking of the immediate rear amenity area of the neighbouring property 'Strathmore' due to the proximity and height of the decking resulting in harm to amenity contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000, policy DM1 of the emerging Local Plan and provisions of the NPPF.

RESOLVED: That permission be refused for the following reason:

The proposal would result in unacceptable overlooking of the immediate rear amenity area of the neighbouring property 'Strathmore' due to the proximity and height of the decking resulting in harm to amenity contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000, policy DM1 of the emerging Local Plan and provisions of the NPPF.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood entered the meeting after consideration of this application (6.40 p.m.).

110. 17/502118 - ERECTION OF DWELLING HOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mrs Bennett, an objector, Mr Street, for the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to seek to secure (a) changes in the roof profile and bulk to reduce the mass of the development and (b) reductions in the height of the proposed slab levels, in order to mitigate the impact of the proposal on 1 Little Orchard.

Voting: 9 – For 0 – Against 4 - Abstentions

111. 17/501196 - ERECTION OF AN ADDITIONAL STOREY ON A FLAT ROOF TO ACCOMMODATE 10 UNITS OF RESIDENTIAL ACCOMMODATION TOGETHER WITH ASSOCIATED PARKING AND AN AMENDED ACCESS AT RIVERHILL APARTMENTS, LONDON ROAD, MAIDSTONE - RIVERHILL APARTMENTS, 10 - 12 LONDON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development. During his presentation, the Development Manager advised the Committee that he wished to amend the first sentence of the first paragraph and the first and second sentences of the second paragraph of recommended condition 5 to read:

The development hereby approved shall not be occupied until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall be carried out in the first available planting season following occupation of the development hereby approved.

Ms Hadden, for the applicant, and Councillor Harvey (Visiting Member) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report, as amended by the Development Manager at the meeting, and the additional condition set out in the urgent update report, with the further amendment of condition 5 and additional conditions as follows:

Condition 5 (Landscaping) (amended)

The development hereby approved shall not be occupied until a landscape scheme designed in accordance with the principles of the Council's

landscape character guidance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to the site, and indicate whether they are to be retained or removed, and include a planting specification, a programme of implementation and a five year management plan. The landscape scheme shall specifically address the need to provide new planting along the frontage of the building which shall comprise a mixed native species hedgerow.

The approved landscaping scheme shall be carried out in the first available planting season following occupation of the development hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

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

Additional Conditions

No development shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation and maintained thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provisions of the NPPF.

Prior to the development hereby approved reaching eaves level details shall be submitted for prior approval in writing by the Local Planning Authority of wildlife niches sufficient to make provision for two bird boxes and two swift bricks.

The approved details shall be installed before first occupation of the development hereby approved and retained as such at all times thereafter.

Reason: To ensure that provision is made for wildlife in accordance with the provisions of the NPPF.

Voting: 12 – For 1 – Against 0 – Abstentions

Note: Councillor Mrs Stockell left the meeting after consideration of this application.

112. 16/506648 - HYBRID APPLICATION FOR DETAILED PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF 70 DWELLINGS COMPRISING OF 2, 3 AND 4 BEDROOM TWO STOREY TERRACED, SEMI-DETACHED AND DETACHED HOUSES AND 4 NO. 1 BEDROOM UNITS TOGETHER WITH OUTLINE PLANNING PERMISSION FOR A TWO STOREY MEDICAL CENTRE WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND SOUTH OF HEATH ROAD, COXHEATH, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:

- 33% affordable housing (of which 70% is affordable rent and 30% shared ownership);
- A financial contribution of £105,000 towards the costs of highway improvements at the junction of the A229 and B2163 (Linton Crossroads);
- A financial contribution of £110,250 towards improving, maintaining, repairing and renewing the open space and play facilities at the Stockett Lane Recreation Ground;
- The 'Medical Land' for which outline permission for a 2 storey medical centre is hereby approved be transferred to the CCG (or appropriate body) at nil cost for the delivery of medical facilities (timeframe for transfer delegated to the Officers and linked to notice being received from the CCG (or appropriate body) requesting such transfer);
- In the event that the notice is not received from the CCG (or appropriate body) within a set timeframe (delegated to the Officers), the 'Medical Land' will be used for on-site public open space;
- The agreement will set out certain circumstances in which, following transfer of the 'Medical Land' to the CCG (or appropriate body), the land can be returned for use as on-site public open space (for example, if delivery of the medical facilities is not commenced or completed within a set timeframe (delegated to the Officers)). Depending on the circumstances existing at the time, it may be appropriate for the 'Medical Land' to be returned to a Council nominee. If the 'Medical Land' is returned in such circumstances, the Council will divert the off-site open space contribution referred to above to the delivery of the on-site public open space; and
- Any on-site public open space delivered in circumstances considered above is to include a Locally Equipped Area of Play (LEAP). Details of the laying out and equipping of the on-site public open space shall be submitted to and approved in writing by the Local Planning Authority,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report with the amendment of Condition 10 (External Materials) as follows:

No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. For the detailed element, materials shall include the use of ragstone on buildings and in walling as shown on the approved plans, stock bricks, and clay tiles and timber weatherboarding to the road facing elevations for houses fronting Heath Road.

Reason: To ensure a satisfactory appearance to the development.

Voting: 9 – For 3 – Against 0 – Abstentions

113. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

114. DURATION OF MEETING

6.00 p.m. to 8.40 p.m.

MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
17 AUGUST 2017

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<u>APPLICATION</u>	<u>DATE DEFERRED</u>
<p><u>16/505598 - ERECTION OF A PAIR OF THREE BEDROOM SEMI-DETACHED DWELLINGS - CRICKET AND TENNIS CLUB, FRITTENDEN ROAD, STAPLEHURST, KENT</u></p> <p>Deferred until the next meeting to enable the Officers to obtain the viability information which the agent for the applicant maintained had been submitted, but was not included in the report.</p>	6 July adjourned to 13 July 2017
<p><u>17/501093 - APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) PURSUANT TO 15/507424/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS (INCLUDING A MINIMUM OF 40% AFFORDABLE HOUSING), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, SURFACE WATER ATTENUATION, VEHICULAR ACCESS POINT FROM MILL BANK AND ASSOCIATED ANCILLARY WORKS. (ACCESS APPROVED) - LAND WEST OF MILL BANK, MAIDSTONE ROAD, HEADCORN, KENT</u></p> <p>Deferred to enable the Officers to investigate the relocation of the 2.5 storey building within the site.</p>	6 July adjourned to 13 July 2017
<p><u>17/502118 - ERECTION OF DWELLING HOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, KENT</u></p> <p>Deferred to seek to secure (a) changes in the roof profile and bulk to reduce the mass of the development and (b) reductions in the height of the proposed slab levels, in order to mitigate the impact of the proposal on 1 Little Orchard.</p>	27 July 2017

A horizontal scale bar with a vertical tick mark at the left end and another at the right end. The text "20 m" is positioned above the bar, and "100 ft" is positioned below the bar.



15/509813 Mid Kent Roofing Yard
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO: 15/509813/FULL			
APPLICATION PROPOSAL: Retrospective application for new office unit (considering external alterations to previously approved office building).			
ADDRESS: Mid Kent Roofing Yard, Forstal Lane, Harrietsham, Kent, ME17 1LB			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none">• The design and appearance of the development is in keeping with the character of the surrounding area.• The development is acceptable in relation to the impact on residential amenity including in terms of outlook, privacy and noise.			
REASON FOR REFERRAL TO COMMITTEE: <p>Harrietsham Parish Council has requested that the application be determined by the Planning Committee.</p>			
WARD: Harrietsham And Lenham		PARISH COUNCIL: Harrietsham	APPLICANT: Mr R Smith AGENT: Martin Potts Associates
DECISION DUE DATE: 14/01/16	PUBLICITY EXPIRY DATE: 07/06/16	OFFICER SITE VISIT DATE: 25/04/2017	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
<u>Current application site</u>			
App No:	Proposal:	Decision:	Date:
15/507388/NMAMD	Amendment for 6 skylights to west elevation; relocate front door; glaze 1st floor north gable with stairs and access door; patio door to south elevation of planning application 15/502517/FULL.	Refused	28/09/2015
15/502517/FULL	Proposed new office unit	Approved	29/06/2015
15/501861/SUB	Submission of details pursuant to Condition 5 - Hard and Soft Landscaping of 14/500358	Approved	22/05/2015
14/500358/FULL	Continued use of Area B as storage for building materials, with car parking.	Approved	24/11/2014
97/0613	Certificate of Lawful Development for the use of the site for the storage and distribution of building materials, wholesale and retail sale of building materials, and ancillary office and toilet block.	Approved	31/10/1997

Land at Avonbank, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

App No:	Proposal:	Decision:	Date:
10/1080	Change of use of redundant buildings to holiday lets	Approved	31/08/2010

Millfield, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

App No:	Proposal:	Decision:	Date:
16/506875/FULL	Demolition of existing outbuilding and erection of a 3 bed chalet style single storey holiday let with a private access route and designated parking	Approved	21/11/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site covers an area of 1680 square metres located to the east side of and accessed by a track from Forstal Lane (Greenway Lane). The site is 460 metres to the north west of the Harrietsham settlement boundary (junction of Ashford Road and West Street). The site is within the North Down's Special Landscape Area (SLA) of the adopted plan but outside the emerging Landscape of Local Value designation that is to the south of the Channel Tunnel Rail Link.
- 1.02 The application site is to the north and to the rear of two residential properties fronting Holm Mill Lane (Hollowdene, Millfield). To the east of the site is a row of single storey former office buildings; planning permission was granted in 2010 (10/1080) for conversion of these buildings to holiday lets (stable oak cottages) with a rise in roof ridge heights to between 3.8 to 4.7 metres. It appears that the site contains a mixture of holiday lets and stabling for horses. The property called Avonbank is adjacent to Millfield to the east on Holm Mill Lane, the occupier of Avonbank owns the holiday lets and open land to the north of the application site.

2.0 PROPOSAL

- 2.01 A certificate of lawful development was issued in 1997 (MA/97/0613), for the storage and distribution of building materials, wholesale and retail sale of building materials, and an ancillary office and toilet block for part of the current application site. Planning permission was subsequently granted in 2014 for the use of adjacent additional land to be used in connection with the business. This additional land is to the north and west of the land that was subject to the certificate of lawful development.
- 2.02 Planning permission was approved in 2015 for a new office building on the application site in connection with the existing roofing business. The building has been constructed and is in use and the current application seeks the retention of changes that were made to the previously approved plans.
- 2.03 Whilst there has been no changes to the overall height of the building, the applicant has set out the following changes to fenestration and appearance from the building that was previously approved:
- The two ground floor windows to the south elevation (facing Holm Mill Lane) have been replaced with a single set of patio doors;

- The main building entrance has been moved from the west to the south elevation of the previously approved porch;
 - The cill height of the windows to the west elevation (facing the yard) have been lowered with the windows spread more evenly across the elevation;
 - In the west elevation six roof windows (velux) have been added to the roof slope;
 - An access door has been added to the north building elevation in the gable end of the roof.
 - The black stained timber cladding has been replaced with a red brick wall below window cills.
- 2.04 Whilst the height of the building has not changed when compared to the earlier approved planning application, the applicant now uses the loft space of the building for storage purposes. The loft space does not have an internal access staircase and as a result materials to be stored within the loft are either lifted externally to the external door in the roof eaves by a boom lift (cherry picker) or through an internal loft hatch.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP6, SP17, DM1, DM2, DM3, DM7, DM24, DM27, and DM34
- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections and consistency with the NPPF.
- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.
- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.
- 4.02 **Local residents:** Five representations received from local residents objecting to the proposal on the following grounds (summarised):
- The office building is a great source of noise disturbance to adjoining occupiers;
 - The site does not include the buffer zone that was required as part of the change of use application;
 - The building adversely impacts on the adjacent holiday let accommodation;
 - The originally approved building was too high;
 - The velux windows have a negative impact on the Kent Downs AONB and rural character in terms of the 'reflective glare' during hours of daylight and electric lighting during the hours of darkness;

- The velux windows and the relocated door harm the privacy of adjacent residential occupiers;
- The site is unsuited for the current use for various reasons including traffic and noise;
- Further screening should be provided as part of the current application with 3 months for implementation.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 **KCC Highways:** No objection.

5.02 **Harrietsham Parish Council:** Objection; wish to see the above planning application refused as there are concerns with the retrospective nature of the application. It is also noted that there are drainage and environmental issues which are still unresolved. If the Planning Officer is of the view to approve the application, the Parish Council would ask that it be reported to the Planning Committee.

6.0 APPRAISAL

Main Issues

6.01 The key issues to consider are design and appearance and the potential impact on amenity in terms of noise, privacy and disturbance and the general character of the area.

Design and appearance

6.02 Proposals should have high quality design and respond positively to, and enhance the character of the area. (emerging policy DM 1). The new window and door openings are in keeping with the design and appearance of the building and they do not harm the character of the area.

Potential impact on amenity

6.03 Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.

6.04 The office building was assessed as part of the earlier planning application and it was concluded that the bulk and scale of building were acceptable. In these circumstances the current application is purely assessing what additional impact may arise from the changes to the approved plans and whether any additional impact that may arise is in itself or cumulatively grounds to refuse planning permission.

6.05 A distance of 45 metres separates the office building from the residential property to the south called Millfield and within this distance the office building is set 15 metres away from the boundary. The works involved replacing the ground floor windows to the south elevation with patio doors. The proposal includes a porch in the centre of the west elevation and the works included relocating the entrance door from the front (west) elevation of the porch to the side (south) of the porch. The relocated entrance door is 50 metres from the property called Millfield and 20 metres from the site boundary. The works that have taken place at ground floor level in the office building are acceptable in relation to overlooking, privacy and noise due to these separation distances, and the boundary treatments and there are no grounds that would justify refusal of permission in relation to the impact on amenity.

- 6.06 The new roof windows in the west elevation face towards Forstal Lane. As a result of this orientation these windows do not have any harmful impact on amenity in relation to overlooking and loss of privacy. The changes to the cill heights are at ground floor level so a combination of screening provided by boundary treatments and the separation distances ensure that these changes do not harm amenity.
- 6.07 A solid timber access door has been added to the north building elevation in the gable end of the roof. The north elevation of the building is over 20 metres from the northern site boundary with a paddock and open fields beyond. The door is at a right angle to the eastern site boundary and set back by over 3 metres. The door designed for emergency use and access to a storage area is used infrequently. When it is used only oblique views are possible towards the adjacent holiday lets. With the infrequent use of the door, the oblique views when it is used and the nature of the holiday let accommodation next door the door is acceptable in relation to amenity.

Potential impact on character of the area

- 6.08 The site is within the North Down's Special Landscape Area (SLA) of the adopted plan but outside the emerging Landscape of Local Value designation. The purpose of the Special Landscape Area is to protect and conserve scenic quality and distinctive character.
- 6.09 Planning permission has previously been approved for the construction of the office building on the application site and the changes from that permission include new and relocated window and door openings. With their small scale, the insertion of roof lights and the new and relocated doorways would maintain local character. In terms of the scale of works, it is highlighted that the insertion of roof lights or the changes to fenestration would not require planning permission if carried out to a single family residential dwelling.
- 6.10 It has been set out in consultation responses that the alterations result in light pollution that harms the character of the area. It is also stated that there this light pollution harms the Kent Downs AONB (located 300 metres to the north). In the context of light from adjacent properties and street lights it is considered that the level of light resulting from the alterations including the roof windows would not be sufficient to refuse planning permission. It is considered that the alterations respect the character of the area.

Other matters

- 6.11 It is highlighted that the purpose of this current application is to regularise the post decision changes that were made to the previously approved office building. There is no justification for the provision of extra screening due to the nature (including the infrequent use of the loft access door) and location of the changes on elevations facing away from neighbours or at ground floor level.
- 6.12 Whilst the comments on the operation of the use are acknowledged, this application does not provide any opportunity to revisit the principle of this use in this location or the earlier permission for the office building. The council's planning enforcement team have visited the site several times to investigate previous queries and can investigate any further queries separately in relation to compliance with planning conditions on the earlier approvals. The applicant has stated that a further planning application is likely to be submitted in the future for a storage building on the site and this would provide an opportunity to reduce potential issues associated with the level of existing open storage.

7.0 CONCLUSION

- 7.01 The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on residential amenity including in terms of outlook privacy and noise.

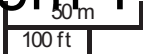
8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plan: 749200B. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (1) The door to the north elevation hereby permitted shall be for emergency purposes only, and the door shall be kept shut at all other times Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

Case Officer: Graeme Moore

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



REPORT SUMMARY

REFERENCE NO - 16/510210/FULL		
APPLICATION PROPOSAL: Stationing of 2 mobile homes, 2 touring caravans, and a utility/stable block for the benefit of a gypsy family for residential use (part retrospective).		
ADDRESS: The Three Sons, Park Wood Lane, Parallel Track, Staplehurst, Kent TN12 0DF		
RECOMMENDATION: Approve subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: Recommendation contrary to the views of Staplehurst Parish Council and objection has been raised by the Environment Agency.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst Parish Council	APPLICANT – Mr Arthur James AGENT – N/A
DECISION DUE DATE (Extended) 31.08.2017.	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE 21/06/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies an area of 0.06ha of rectangular shaped land, and is located in the countryside approximately 2.5 kilometres south east of Staplehurst, a Rural Service Centre. The site lies to the west of Parkwood Stables which comprises a similar recently approved, slightly larger Gypsy and Traveller compound with stabling and an ancillary paddock and with frontage onto the western side of Park Wood Lane, a narrow rural lane, forming the boundary between the boroughs of Maidstone and Tunbridge Wells. The western site boundary abuts grazing land which in turn adjoins a cluster of lawful and unlawful gypsy traveller sites accessed from Maplehurst Lane further to the West. There is no interconnection between the application site and those sites fronting Maplehurst Lane. The nearest residential curtilage lies approximately 120m to the north, at the junction of Park Wood Lane with Staplehurst Road.
- 1.2 Land to the north comprises open farmland, while an ancient woodland and local wildlife site known as Maplehurst Farm Wood lies to the south. In accordance with the adopted Local Plan 2000, the site and its environs fall within open countryside and within the Low Weald Special Landscape Area afforded protection under Policy ENV34. In accordance with the emerging Local Plan (submission version) May 2016, the site would retain its open countryside status.

- 1.3 Access to the site is via a vehicular track that spurs at right angles from Park Wood Lane. The track is shared with Park Wood Stables and runs on an east/west alignment on the northern side of Park Wood Stables before opening into The Three Sons site via a '5 bar' timber gate. An open field drain shaded by an established, native species hedgerow, separates the site and trackway from the farmland to the north. The application site is enclosed on all sides by timber board fencing rising to approximately 1.8m in height. Traditional timber post and rail fencing defines the northern boundary of the access track.
- 1.4 A fenced 'buffer' landscape mitigation strip lies within the site abutting the ancient woodland in accordance with the terms of the 2013 appeal. A smaller part of the buffer strip has been partitioned as a children's 'play area', while the larger part is overgrown. A range of stables superimposed upon a concrete raft and used as an amenity block occupies the south west corner of the site. Two further concrete rafts have been constructed, against the western and eastern site boundaries with drainage stand pipes to afford connection to a single mobile home on each raft. The remainder of the site has been surfaced in rolled aggregate above hard-core fill which provides a permeable and consistent wearing surface.
- 1.5 At the time of site inspection (21.06.2017), two touring caravans were located on each of the concrete rafts. The applicant explained that one touring caravan was being occupied by his family, one by his extended family (mother and sisters) while the remaining two touring caravans belonged to travelling friends who were visiting on a short term basis (the GPDO allows for such temporary activity 28 days in the year). No mobile homes were located within the site. It was explained by the applicant that he was awaiting positive confirmation of planning permission before replacing two of the tourers with mobile homes. The existing utility block comprises a row of three small interconnected stables, containing shower/wc, laundry and domestic storage facilities. Three vehicles were present on site comprising two light vans and a private motor car all in apparent use. A 'live' water stand pipe was in evidence. The applicant advised that the site drainage connects to an underground cesspit that has been located within the fenced off 'buffer' strip, providing the necessary means of sanitation. There was no evidence of drainage odour (bearing in mind that the site visit coincided with the summer solstice and hottest day recorded since 1976) nor was there evidence that the site was subject to overt commercial activity.

2.0 PROPOSAL

- 2.1 Planning permission is sought for siting of 2 mobile homes, 2 touring caravans, and a utility/stable block for the benefit of a gypsy family for residential use (part retrospective). The mobile homes would be 12m long x 4m wide (48sqm gross floor area), the stable block would be 9m long x 3.5m wide (31.5sqm gross floor area).

3.0 PLANNING HISTORY

- 3.1 The application site relates to part of a larger gypsy traveller site that was granted planning permission (ref:12/0057) at appeal in 2013 for change of use of land from agricultural to residential and stationing of 2 mobile homes, 3 touring caravans and 2 utility blocks with associated parking for two gypsy families and keeping of horses. This appeal site comprised The Three Sons and Parkwood Stables (the larger of the two sites), both accessed from Park Wood Lane.

- 3.2 This site in conjunction with others to the west accessed separately from Maplehurst Lane is shown on the location plan attached as **Appendix 1** along with their current planning status.
- 3.3 The appeal permission (ref:12/0057 attached at **Appendix 2**) was a non-personal permission that limited occupation to Gypsies and Travellers and established the land use for permanent Gypsy and Traveller accommodation. However while the site was being used for its approved purpose the appeal permission lapsed as the applicant failed to discharge certain conditions within the prescribed time limit set out in the appeal decision notice.
- 3.4 Full permanent non-personal permission 15/510660/FULL was granted by planning committee on 23rd May 2017 at Parkwood Stables (the larger site adjoining The Three Sons to the east), regularising the use and stationing of two mobile homes, three touring caravans, a stable block and a day room for the benefit of a Gypsy family.
- 3.5 Permanent consent was granted 1st July 2014 ref: 13/0466 at Perfect Place, Maplehurst Lane (the adjoining site to the west) for the retention of a mobile home, touring caravan and pole barn, together with permanent permission for a utility room, 2 stable blocks (as approved under MA/09/1767) and a sand school, on an existing Gypsy site.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV5, ENV6, ENV28, ENV34
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Maidstone Local Plan (2011-2031): GT1, SP17, DM16
- Staplehurst Neighbourhood Plan: PW2, PW4

5.0 LOCAL REPRESENTATIONS

- 5.1 Frittenden Parish Council (Tunbridge Wells Borough): Objects and recommends refusal for the following reasons:

- the development is unsustainable;
- the development is not suitable;
- the site floods;
- no consideration has been given to road safety concerns in terms of highway access;
- no consideration given to the lack of utilities including foul drainage and the risk of contamination;
- the proximity to ancient woodland;
- the risk to ecology;
- the site is not in either the existing or emerging Local Plan and therefore not policy compliant;
- the development will have (and is having) a material adverse effect on the residential amenity of neighbours;
- the development is out of character for what is (or was prior to unauthorised development) beautiful countryside;
- the development has a serious negative impact on the countryside and a negative impact on the neighbourhood;

- lack of appropriate detail and supporting documentation.

5.2 Staplehurst Parish Council recommends refusal and has commented as follows:

- insufficient documentation to support the application;
- observed that Three Sons was one of two pitches that had been the subject of planning application 12/0557 which had been granted by the Planning Inspector on appeal, subject to a number of conditions. Application 15/504557 sought to remove the conditions but was refused; the conditions applied to 12/0557 had not been met within the required time limit, which left the site operating without valid permission;
- the new application did not justify doubling the number of caravans agreed by the Planning Inspector, did not explain the travelling status of the proposed residents nor address the question of how the Planning Inspectors conditions would be met;
- information provided in the application lacked precision;
- MidKent Environmental Shared Service had raised no objection to the application despite documenting serious concerns about the supply of potable water, disposal of foul sewage, manure storage, disposal and run-off;
- the site was not included (as a potential Gypsy Traveller site) in either the draft Local Plan or the Staplehurst Neighbourhood Plan;
- the volume and high quality of comments from local residents has reinforced concerns about the serious issues presented by the proposal, notably: the unsustainable location; the over-intensification of the site; the overwhelming of the settled community; the failure to address concerns about highways, drainage and utilities;
- Stressed the need for a co-ordinated approach to AG&T site applications.

5.3 Weald of Kent Protection Society (WKPS) supports Staplehurst Parish Council in their objections and has commented as follows:

- WKPS is concerned that there is a danger of an increasing imbalance between the rights of local residents and the Gypsy/Traveller community; that
- Insufficient justification has been made for the proposed development; and that
- The additional 18 pitch threshold required in the borough up to 2020, as indicated by the emerging Local Plan, should be the maximum allowed.

5.4 A total of 20 letters have been received from 18 members of the public. Their concerns are generally consistent with views expressed in respect of the adjoining Parkwood Stables site application 15/510660/FULL and can be summarised as follows:

- Proof is required of Gypsy and Traveller status, including that the occupants do not intend to live permanently on the site and if they were to live permanently on site, the justification for this,
- Unplanned and unsympathetic piecemeal development in a valued landscape;
- The rural area and settled community is already dominated by mobile homes – cumulative impact of development detrimental to rural character;
- Permission inevitably leads to subdivision of plots and increasing intensification of use;
- An unsustainable location too far from Staplehurst village, with no public transport links;
- It has not been demonstrated that water supply, and drainage provision would be compliant;
- No information provided relating to disposal of animal and human waste;
- Dangerous single track road with blind bends, and no pavements or lighting;

- The development would produce light pollution in the winter months;
- Not designated in the Local Plan or Staplehurst Neighbourhood Plan;
- Area floods regularly, exacerbating potential for ground water contamination;
- Vulnerable local woodland ecology would be threatened;
- Intentional unauthorised development harms effectiveness of the planning system and public confidence in it;
- Stables are to be provided without adequate grazing;
- The application states incorrectly that it is not within 20m of a watercourse;
- Site found to be unsuitable as a gypsy traveller site in MBC's 2014 SHEDLAA analysis.

The above list includes representations from two additional constituents via a local MP.

6.0 CONSULTATIONS

6.2 Landscape Officer

There are no protected trees within, or immediately adjacent to, the development site. However, Maplehurst Farm Wood immediately to the south of the site is designated Semi Natural Ancient Woodland. As the proposal does not incorporate a 15m buffer to the ancient woodland an 'in principle' objection is raised.

6.3 Tunbridge Wells Borough Council

TWBC has issued a 'holding' objection having initially raised no objection. Comments as to the nature of the holding objection have however not been received.

6.4 The Environment Agency

The Environment Agency has raised objection on the grounds that a Flood Risk Assessment has not been provided.

6.5 KCC SUDS

KCC has stated that as the application comprises a development proposal for caravan placement, the application falls outside the definition of major development, and is therefore outside of KCC's remit as statutory consultee.

6.6 KCC Highways

No objections

6.7 Environmental Health

No objection subject to conditions relating to sewage and water.

7.0 APPRAISAL

7.1 Policy Background

The site lies in open countryside and is therefore subject to Adopted Local Plan Policy ENV28 which states that 'Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. The policy sets out permissible forms of development but excludes G&T development as this was covered under a specific policy which was not included in the

list of 'saved' policies. However the emerging Local Plan seeks to maintain the thrust of certain superseded Gypsy and Traveller Policies and due to its advanced stage can be afforded considerable weight, particularly as the Interim Findings Report does not conflict with the GTAA or with draft G&T policy.

A key consideration in the determination of this application is Government Guidance set out in 'Planning Policy for Traveller Sites (PPTS)', amended in August 2015. The guidance places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision and acknowledgement that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.

It is accepted that the proposal represents development contrary to the provisions of Policy ENV28. This policy is due to be replaced upon adoption of the emerging Plan by Draft Policy SP17, which follows the broad thrust of Policy ENV28. Draft Policy DM16 is specific to gypsy development, allowing for development subject to certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology. Given the advanced status of the emerging Plan, substantial weight can be afforded to both draft policies.

There are no saved Local Plan policies relating directly to G&T development. Policy ENV28 of the adopted local seeks to restrict development in the countryside, apart from, a few exceptions which does not include G&T development.

Policy SP17 of the submission version of the draft local plan (DLP) and (also a countryside protection policy) states, amongst other things, that provided a proposal does not harm the character and appearance of an area, small scale residential development, necessary to meet a proven need for G&T accommodation will be permitted.

In addition policy DM16 of the DLP relating to G&T development states, that permission will be granted if a site is well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.

The DLP was however the subject of an EIP in the latter part of 2016 and has since been the subject of an interim assessment by the Inspector. Policy SP17 has been amended deleting any specific reference to G&T development apart from stating that proposals which accord with other policies in the plan and do not harm the countryside will be permitted. As such given the advanced stage of the DLP, in moving towards adoption significant weight may be given to policies SP17 and DM16 of the DLP.

A key consideration in the determination of this application is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

Issues of need are dealt with below but in terms of broad principle both local plan policies and Central Government Guidance permit G&T sites to be located in the countryside as an exception to general development restraint policies.

7.2 Need for Gypsy sites

Although the emerging local plan is well advanced, there are not yet any adopted Development Plan policies relating to site provision for Gypsies and Travellers. Local

Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches

April 2016 – March 2021 - 25 pitches

April 2021 – March 2026 - 27 pitches

April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

This, is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.

The target of 187 additional pitches is included in Policy SS1 of the emerging Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and has been accepted by the DLP inspector in his interim report.

The GTAA was completed prior to the publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the change in definition of Gypsy and Traveller status. Although the current GTAA provides the best evidence of need, each decision must be taken on evidence available at the time.

7.3 Supply of Gypsy Sites

Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide. Draft Local Plan Policy DM16 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.

Between the base date 01.10.2011 of the GTAA and 26.06.2017, a net total of 107 permanent pitches have been provided. This means that a further 80 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to date can be broken down as follows:

88 permanent non-personal pitches

19 permanent personal pitches

3 temporary non personal pitches

35 temporary personal pitches

The PPTS states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption (currently anticipated as late 2017). The Draft Plan does allocate specific sites sufficient to provide 41 additional pitches by 2031. This figure does not allow for potential uplift through the provision of windfall sites yet to come forward. Accordingly it is considered that the OAN of 187 pitches can realistically be achieved.

The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In such circumstances, the Local Planning Authority may reasonably consider the grant of permanent rather than temporary permission for G&T sites that come forward. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply

7.4 Gypsy status

Non-personal planning permission was granted on appeal in 2013, subject to Condition 1 that the site should only be occupied by gypsy and traveller families, it having been proven to the satisfaction of the Planning Inspector and the Council that the then applicant qualified for gypsy and traveller status. The Three Sons site was subsequently sold to a close relative of the current applicant, Mr Arthur James.

Mr James has provided satisfactory evidence of his gypsy status and is currently resident on the site with his wife and 3 children, one of whom attends a local primary school, the other two being of pre-school age. The County Gypsy Liaison Officer has stated that he is aware of Mr James Gypsy status.

The family are Gypsies. Mr Arthurs grandparents travelled in wagons and horses as did Mr Arthur when he was younger staying by the roadside. As that is no longer feasible due to restrictions, a site is needed where his children can have the schooling opportunities that Mr James considers were denied to him. The family still travels to the Gypsy fairs throughout the country and Mr James travels outside of the area in respect of his work in the building trade.

The Gypsy heritage of Mr James is supported by KCC Gypsy Liaison Officer and taking all evidence into account it is considered that Mr James falls within the revised PPTS Gypsy status definition. Based upon the submitted details it can be concluded that the applicant and his extended family are from the travelling community and that Mr James leads a nomadic habit of life. As such it is accepted that Mr James and his extended family fall within the gypsy status definition.

7.5 Visual/Landscape Impact

The site is contained by woodland to the south, a mature hedgerow to the north and although unscreened save by close boarded fencing to the west this aspect is viewed only from similar G&T sites further to the west. As the application site lies to the rear of Parkwood Stables, views from Parkwood Lane are limited and there are no views from public rights of way

Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure. Although the PPTS does not refer to landscape impact this is addressed in the NPPF, Policy ENV28 of the adopted local plan and Policy SP17 of the DLP which states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for G&T accommodation will be permitted.

In addition policy DM16 (modification version) states that, permission will be granted if a site is well related to local services, would not result in significant harm to the landscape and rural character of the area due to visual impacts, including cumulative

visual impact and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.

This site has been granted permission at appeal for use as a Gypsy and Traveller site (ref: 12/0557). Although the permission permitted the keeping of horses that activity was served by the adjoining site at Parkwood Stables and there is no provision at The Three Sons for such activity. In terms of the visual impact of the site on the local landscape the Inspector did not find that impact to be so serious as to warrant dismissal of the appeal.

In terms of the visual impact of the two pitches (Parkwood Stable and Three Sons) the Inspector stated:

'These have the advantage of being set back from the road and immediately to the north of a sizeable woodland area. They are thus seen at a distance and are screened from view from the south and seen against the backdrop of the wood from the north. The collection of structures on each site comprising the mobile home, touring caravan(s), utility room and domestic paraphernalia including parked vehicles cannot but be intrusive and the close boarded fencing that has been erected on the boundaries of the residential enclosures only emphasises the intrusion in the relatively unspoilt surroundings. Seen only at a distance from any public viewpoint, however, the appearance of the residential part of the site is in general softened by intervening field boundary hedgerows. The clearest view is from the Park Wood Lane frontage of the site where recent tree felling and removal of vegetation has exposed the full depth of the site to view. However, when the newly planted hedgerow around the paddock matures this would screen much of the residential development from view'.

Since the appeal hearing close boarded fencing on the site approaches has been removed and replaced with post and rail fencing which is more appropriate to this rural location and assists in assimilating the land into its surroundings. Although under current proposals the number of caravans and built structures on the site would clearly increase, the additional caravans and structures, particularly those at The Three Sons site, are set substantially back from the road behind both the paddock area and the Parkwood Stables site and are therefore substantially screened from public view.

A landscape planting condition attached to recent grant of permission 15/510660/FULL at Parkwood Stables (the adjoining site to the east) requires additional landscape planting along the highway boundary to the east. Once this has been implemented, screening of the site would be more effectively achieved.

Consequently it is considered that the proposal for an additional mobile home and touring caravan would not result in significant additional harm to the landscape and rural character of the area.

7.6 Highways

The application site is located in the open countryside and any future occupants of the site would be largely reliant on private motor vehicles to access local services and facilities. There is an established vehicle access to the site which has been in existence for a number of years and KCC Highways do not raise any highways safety issues regarding the access. The Inspector also found the vehicle access to be appropriate from a highways safety perspective. The hardstanding around the mobile

homes would provide sufficient on-site parking and turning areas within the site are adequate. There would be no adverse highways safety impact on Park Wood Lane.

The use of the site would not result in a significant increase in vehicle trips given the nature/size of the site. The principle and details related to the access have been recently reinforced by grant of permission in May 2017 in respect of 15/510660/FULL relating to the frontage site at Parkwood Stables.

Overall, there are no significant highway safety or parking issues to warrant refusal of the application.

7.7 Cumulative Impacts:

It is considered that the cumulative impact of the proposed development taking into account neighbouring permanent Gypsy and Traveller site permissions would not be so severe as to result in the domination of the surrounding countryside or the settled community. In reaching this view regard has been given to the scale of the proposed development, recent grant of planning permission for similar development in the locality and by reference to the planning inspector's decision for the same site, in which he found that 'he did not find Gypsy sites to be over-dominant, even with the inclusion of the appeal site'. As such the proposal would be compliant with LP Policy ENV16 and with PPTS guidance.

7.8 Ecology and Ancient Woodland Impacts

Paragraph 118 of the NPPF states that:

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

Natural England and Forestry Commission guidance relating to ancient woodland states:

'Impacts of development nearby can include these effects on the trees and woodland, and the species they support:

- compacting the soil around tree roots
- breaking up or destroying connections between woodland and other habitats
- reducing the amount of semi-natural habitats (like parks) next to ancient woodland
- changing the water table or drainage
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light pollution
- increasing damaging activities like fly tipping and the impact of domestic pets
- changing the landscape character of the area'

In terms of ecological impacts the site has been in use as a gypsy traveller site since 2012 with over-site hard-core laid to facilitate the stationing of caravans. The appeal Inspector previously found that consent could be granted at this site without ecological harm arising provided suitable safeguarding conditions were imposed. However the conditions recommended by the Inspector were not complied with or formally discharged by the council and as a result this permission has lapsed. The ecology condition imposed by the Inspector stated that a number of details should be submitted to the council. Of these only the item requiring the creation of and retention of an ancient woodland buffer landscape strip, is pertinent to the current application.

In terms of ecological impacts it is considered there have been no material changes at the site, save for installation of a drainage system, the appropriateness of which can be secured by condition. Hardcore had already been laid and while removal of close boarded fencing with traditional post and rail fencing to the woodland and watercourse boundaries comes with ecological benefits and allows wildlife to move between the site and the adjoining fields and woodland such measures allow domestic animals free access to these areas which may have undesirable impacts. Accordingly it is considered appropriate to impose a condition requiring submission of an Ecological Management Scheme to in particular address boundary enclosure in more detail.

Given that within a 6m buffer zone, there would be no buildings to impact on tree canopies, or foundations or surfacings that could impact on rooting systems. In addition site buildings would be relatively small and low impact and as such 6m would appear to be a satisfactory distance for woodland protection in such circumstances.

7.9 Sustainability

Having regard to Gypsy and Traveller lifestyle choices, sites will almost inevitably be located in countryside locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal on this basis. This follows the reasoning held by the Inspector when determining application 12/0557

7.10 Residential amenity

The adjoining approved G&T site at Parkwood Stables formed part of the original appeal approval and the subdivision of the site did not at the time influence the decision of the planning Inspector. As both sites would be used by the Gypsy and Traveller community this is not perceived as an issue. Both sites have independent means of access and are separated by 1.8m high close boarded fencing. Given the single storey format there are no overlooking issues or other amenity considerations. There are in addition other gypsy sites to the west of the site (although it is noted not all these sites are lawful). The closest residential house is located some 120m to the north of the site on the opposite side of the road. The proposal site is located a sufficient distance away from these properties and I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise, disturbance, and privacy.

7.11 Flooding

The application site is located in Flood Zone 1 where there would normally be no flood risk objections in terms of fluvial or tidal flooding. As the site lies outside of Flood Zones 2&3 it is not subject to Flood Risk Assessment (FRA). Although rural access roads in the vicinity may be subject to temporary flooding, inhibiting access to the site, in respect of the 2013 Appeal, the Inspector did not consider that the absence of a FRA was a turning issue. The Environment Agency amongst others have alluded to flooding, but to date no evidence, photographic or otherwise, has been provided to substantiate these claims. Moreover, KCC Drainage has advised that this area is not subject to any known surface water drainage issues to warrant refusal of this type of application. Site levels have been raised as a result of imported hard-core which in conjunction with gravel surfacing has provided over-site drainage relief and a porous surface throughout, facilitated by land drains close to the northern and southern site boundaries. Vulnerability to flooding is no different in comparison to the adjoining site at Parkwood Stables which the planning Committee approved in May of this year.

The site has been utilised as a gypsy traveller site for a number of years and the Inspector assessing the previous application on this site did not consider it necessary to impose any drainage conditions. A drainage condition can however be imposed to ensure that the proposed intensified use of the site can be satisfactorily accommodated.

7.12 Environmental Health

The Scientific Officer has queried matters relating to the supply of potable water, the implementation of a satisfactory site sewerage system and the disposal of animal (horse) waste. It is considered that water supply and sewerage can be addressed through condition.

The reference to stables in the proposal relates to a stable-type building to be used for domestic utility purposes. There are no proposals for the keeping of horses on the site.

7.13 Other Matters

Government Guidance makes clear that retrospective G&T planning applications represent a material consideration that should be taken into account in determining such applications. However guidance on how much weight this should be given is not clear. The role of the planning system is not to be punitive but to secure compliance with legitimate planning objectives. As such when assessed against existing planning criteria the fact that retrospective planning permission is being sought is, on its own, insufficient to weigh significantly against retrospective development.

It is acknowledged that the previous consent on this site has lapsed and some of the conditions attached to the Inspectors decision in 2013 have not been adhered to, applied for or formally discharged by the council. Consequently local residents have raised concerns that conditions attached to a new consent will also not be adhered to. On this point, should Members be minded to granted approval, it will be important for the council to act proactively and communicate with the applicant to ensure the proposed conditions are submitted to and discharged by the council within prescribed time limits. It will also be important to ensure that council officers are proactive in ensuring the additional details are fully delivered on site within prescribed timescales and maintained thereafter. The fact remains that council enforcement powers can be utilised should the applicant not comply with the proposed conditions. It is also a fact that in accordance with the provisions of the Act, planning permission should not be refused when issues can be addressed by conditions.

8.0 CONCLUSION

- 8.1 The introduction of a gypsy traveller site comprising two mobile homes, placements for two touring caravans and utility building in the countryside will inevitably have some visual impact on the character and appearance of the rural area. In this instance the development would be screened from public view and would not result in further encroachment into the countryside. While such development is strictly controlled, Gypsy sites can be acceptable in the countryside. In the context of the 2013 appeal the visual impact resulting from development was considered to be acceptable and the principle of use of the land as a Gypsy and Traveler site was subsequently established.
- 8.2 The proposed development, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, would not dominate the settled community, is in a relatively sustainable location, would not have any adverse impact

on residential amenity, and would not lead to any increased risk to highway safety or flood risk.

- 8.3 Although the proposal would to a degree have a detrimental impact on the adjacent Ancient Woodland, this in conjunction with the low level of harm caused to the surrounding countryside is considered to be outweighed by the need to provide, Gypsy Traveller accommodation within the borough.
- 8.4 The applicant has provided a satisfactory level of information regarding his family's Gypsy status and their need to live together as an extended family unit. Notwithstanding a range of concerns raised by third party interests and consultees the proposal is considered to comply with the Development Plan (Maidstone Borough-Wide Local Plan 2000) and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions planning permission should be granted.

9.0 RECOMMENDATION

GRANT Full permanent non-personal permission subject to the following conditions:

(1) The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for Gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

(2) No more than two static caravans and two tourers, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

(3) No commercial or business activities shall take place on the land;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside.

(4) If the use hereby permitted ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including areas of hardstanding, stable blocks and utility rooms shall be removed within 3 months of cessation;

Reason: To safeguard the character and appearance of the countryside.

(5) Within three months of the date of this decision notice, details of the proposed method of surface water and foul sewage treatment, along with details regarding the provision of a potable water supply and details pertaining to waste disposal, must be submitted to and approved in writing by the Local Planning Authority. The submitted details should include the size and specification of individual cess pits and/or septic tanks and/or other treatment systems and should show their exact location on site and details of outfalls. The development shall be carried out in accordance with the approved details and maintained thereafter unless agreed in writing by the Local Planning Authority.

Reason: in the interests of health and safety and to prevent ground contamination.

(6) Within three months of the date of this decision notice, details of a scheme of

landscaping, using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following:

i) Details of the species, size, density and location of new planting within the ancient woodland landscape buffer strip shown on the drawings hereby approved located adjacent to the southern boundary of the site.

Reason: To safeguard the character and appearance of the countryside, and in the interests of biodiversity.

(7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons after the date of the decision notice; 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 safeguard the character and appearance of the countryside.

(8) Within three months of the date of this decision notice, details of an Ecological Management Plan for the site shall be submitted for approval in writing by the Local Planning Authority. The Ecological Management Plan shall have regard to:

- the long term protection, retention and management of the ancient woodland landscape buffer strip;
- the long term protection, retention and management of the open watercourse along the northern boundary of the site;
- the means of enclosure and boundary demarcation to these areas.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority.

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

(9) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no other fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of residential amenity.

(10) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

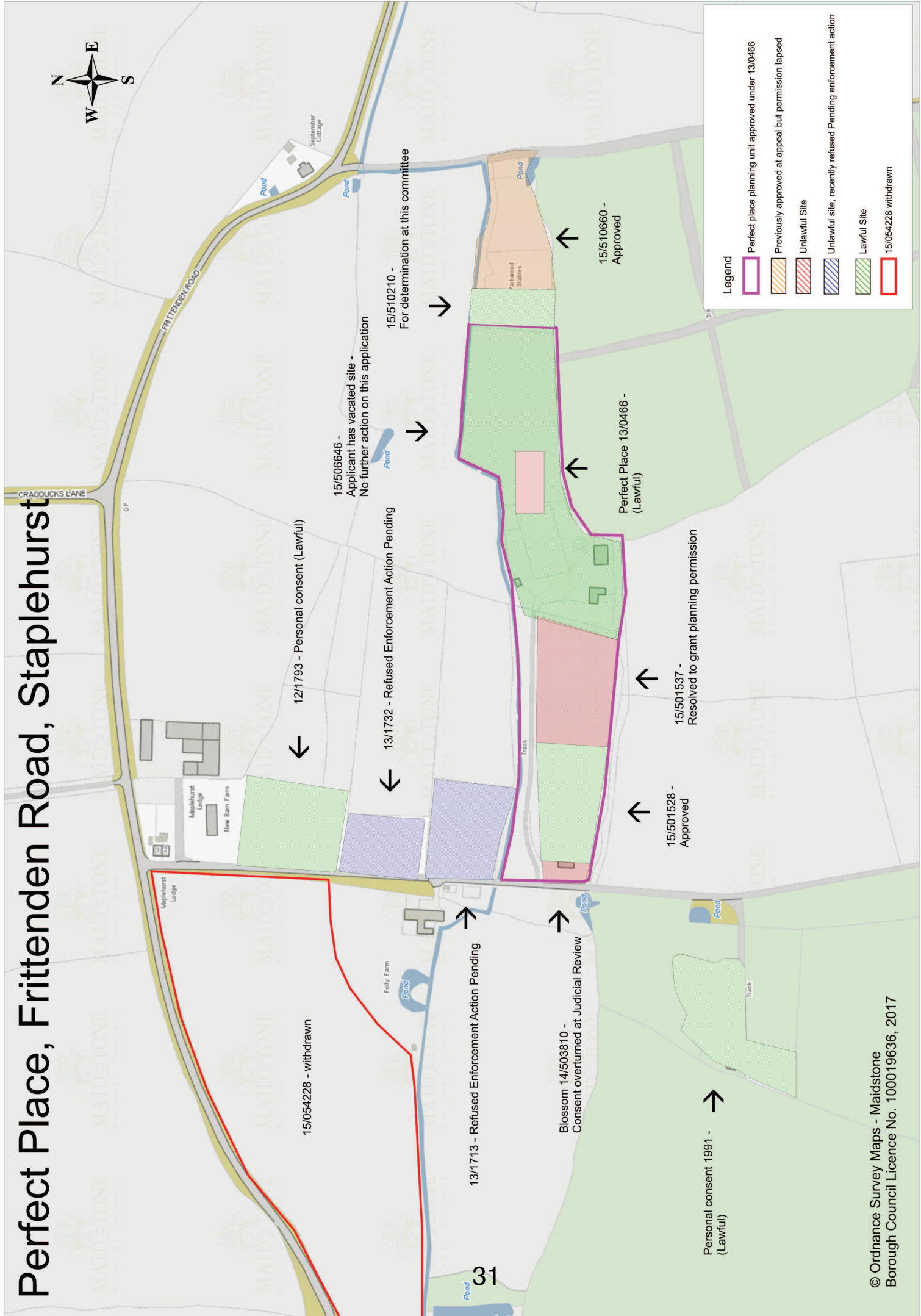
(11) The development hereby permitted shall be carried out in accordance with the following drawings and in accordance with any drawings subsequently approved in respect of the above conditions:

Drawing Number: 001433 PL02RevA (Site Location Plan 1:1250, Block Layout Plan/ Access 1:500) received 01.12.2015;

Utility Block Plans and elevations received 01.12.2015;

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

Perfect Place, Frittenden Road, Staplehurst



Legend

- Perfect place planning unit approved under 13/0466
- Previously approved at appeal but permission lapsed
- Unlawful Site
- Unlawful site, recently refused Pending enforcement action
- Lawful Site
- 15/054228 withdrawn

Appeal Decisions

Hearing held on 14 May 2013

by Bridget M Campbell BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2013

Notice 1: APP/U2235/C/12/2190048

Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr K Harrington against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/12194.
- The notice was issued on 6 December 2012.
- The breach of planning control as alleged in the notice, the requirements of the notice and the periods for compliance with the notice are set out in Annex 1 to this decision.
- The appeal is proceeding on the grounds set out in section 174(2) (d) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction and variation.

Notice 2: APP/U2235/C/12/2190049

Three Sons, Park Wood Lane, Staplehurst, Kent TN12 0DF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr S Peckham against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/12194.
- The notice was issued on 6 December 2012.
- The breach of planning control as alleged in the notice, the requirements of the notice and the periods for compliance with the notice are set out in Annex 2 to this decision.
- The appeal is proceeding on the grounds set out in section 174(2) (c) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction and variation.

S78 Appeal: APP/U2235/A/13/2191661

Land between Park Wood Lane & Frittenden Road known as Three Sons and Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs K Harrington and Mr S Peckham against the decision of Maidstone Borough Council.
- The application Ref MA/12/0557, dated 23 March 2012, was refused by notice dated 19 October 2012.
- The development proposed is a change of use from agricultural to the stationing of 2 mobile homes, 3 touring caravans and 2 utility rooms for residential purpose and associated parking.

Summary of Decision: The appeal is allowed and conditional planning permission granted

Preliminary matters

1. Despite the use of a number of postcodes on various documents, I was assured at the hearing that the one used in this decision is the correct one.

Background

2. The appeal site for the s78 planning appeal encompasses both properties, that is Parkwood Stables and Three Sons, the subject of the two enforcement notices. As a whole, the land is roughly rectangular in shape and has a frontage on its eastern side to Park Wood Lane. The access is at the northern end of that frontage and an access track follows the northern boundary leading to the rear. At the front of the site is an area of hard standing behind which is a paddock. To the rear of the paddock are two enclosed, hard surfaced areas, one accommodating the residential area for Parkwood Stables and the other used for the keeping of horses. The Three Sons property adjoins the rear of the Parkwood Stables site and is much smaller in extent. It is divided into two hard surfaced, fenced areas, the larger, northern one accommodating the residential use.
3. The land was once part of Perfect Place to the west. A temporary and personal planning permission was granted in 2006 on appeal for that property for the keeping of horses and as a residential caravan site. That permission has subsequently been renewed. In the initial appeal decision, the Inspector upheld an enforcement notice requiring the closure of the access onto Park Wood Lane.

The s78 appeal

4. The application as submitted sought permission only for the residential caravan site use. The Council determined the application as one for that use but also for the keeping of horses. The Appellant confirmed that the revised description used by the Council better described the proposed use and it was agreed that I should adopt it.
5. I was also invited to include the parking of a catering trailer as part of the proposal but have decided that it would not be appropriate to do so. The reason for not including it is that in the absence of any details about its size or where on the site it would be accommodated I cannot safely come to a conclusion as to whether any harm would arise.

The enforcement notices

6. The nature of the grounds of appeal is such that the Appellants acknowledge that the enforcement notices will be upheld subject to any correction or variation that might be made resulting from the grounds brought. The breaches of planning control alleged in the notices do not exactly match the description of development in the s78 appeal. Thus if the s78 appeal succeeds and planning permission is granted, the notices would only cease to have effect insofar as they were inconsistent with that permission (s180 of the Act). So, for example, the notice would still require the parking and storage of motor vehicles to cease. That was understood by all at the hearing.
7. At the outset of the hearing a number of corrections to the notices were discussed and agreed. In essence these are concerned with deleting agricultural use from Notice 1 and making other minor adjustments to the allegation and requirements of the notices none of which result in any

fundamental change to their meaning. It was agreed that the corrections could be made without injustice to either party and the corrections are set out in Annex 3 (Notice 1) and Annex 4 (Notice 2).

Notice 2 – the appeal on ground (c)

8. The ground of appeal is that the matters alleged do not constitute a breach of planning control. The Appellant's appeal on this ground is confined to the fencing and gates at the property which the Appellant claims are permitted development. The Council does not dispute that claim and, that being the case they can be deleted from the alleged breach of planning control. To that extent the appeal on ground (c) succeeds.
9. However, the Council says the fencing and gates facilitate the unauthorised use and their removal is required to remedy the breach. It has been well established that a notice attacking a use can require the land to be restored to its condition before the breach took place and that can require the removal of any incidental operations integral to the use whether or not they would in themselves have comprised development requiring planning permission.¹
10. The Appellant claimed that the fencing and gates were not erected to facilitate the residential use. That would be an argument for ground (f) that the requirements of the notice are excessive. However even had the appeal been brought under that ground it would not have succeeded. The fences and gates have clearly been introduced to define and secure the property and would not have been erected but for the introduction of unauthorised use. The requirement of the notice to remove the fencing and gates is not excessive.

Notice 1 – the appeal on ground (d)

11. The ground of appeal is that at the time the notice was issued it was too late to take action. The Appellant's appeal on this ground is confined to the access from Park Wood Lane and to the adjacent hard standing which, it is claimed, were substantially complete more than four years before the notice was issued.
12. In support of the claim reference is made to the ordnance survey base for the planning application which indicates a rectangular area at the front of the site, and to two aerial photographs and a streetview photograph.
13. The streetview photograph from March 2009 is illuminating in that it shows an area of rubble/hardcore in roughly the same position as the current hard standing. The surface today, however, is finished with road planings. Thus the hard standing was not substantially complete by 6 December 2008, four years before the notice was issued.
14. A similar finding might be made about the access into the site but here there is also an existing enforcement notice in force requiring the access in its current position to be closed with post and wire fencing. Photographs submitted by a local resident and said to have been taken in March 2008 and January and February 2009 show that this was done and this corresponds with applications made in 2008 to reopen the access which were refused. A further photograph from the resident taken in October 2009 shows the access opened once again and provided with a pair of gates. I have no reason to doubt the date on those

¹ Murfitt v SSE [1980] JPL 598 and Somak Travel Ltd v SSE [1987] JPL 630

photographs which suggest the access was reopened between February and October 2009 within the four year period.

15. The appeal on ground (d) fails.

The s78 appeal

Planning policy and identification of the main issue

16. There is no dispute that national and local planning policies aim to protect the countryside and that isolated new homes in the countryside are to be avoided unless there are special circumstances (paragraph 55 of National Planning Policy Framework (NPPF)). The Appellants' case is put on the basis that they fall within the definition of gypsies and travellers for planning policy purposes and that the site is suitable as a gypsy caravan site. The Council is satisfied that both appellant families are gypsies and, having heard evidence at the hearing about their travelling patterns in connection with their horse dealings, I am satisfied that they meet the definition as set out in Annex 1 of CLG *Planning policy for traveller sites* (PPTS).
17. The Development Plan for the area comprises saved policies of the Maidstone Borough-Wide Local Plan 2000. Policy ENV28 resists development in the countryside which harms the character and appearance of the area or amenities of surrounding occupiers and limits development to certain categories, one of which is development provided for by other policies of the Plan. The policy addressing the provision of gypsy sites however has not been saved. Locally designated Special Landscape Areas, within which this site is situated, are afforded special protection by policy ENV34.
18. The current anticipated date for adoption of the emerging Local Plan is 2015. A gypsy and traveller accommodation assessment for the Borough was completed in January 2012 and it reveals a need for 157 pitches October 2011-March 2026 and a further 30 to March 2031, the end of the Plan period. A criteria based gypsy policy (CS12) is included within the draft plan and although it attracts little weight at this stage, the listed considerations of accessibility, effect on the landscape, highway safety, flooding and ecology are all relevant planning matters and are addressed in national policy in the NPPF and PPTS.
19. Against this background the main issue in this appeal is whether the site is suitable for a gypsy caravan site as part of a mixed residential and horse keeping use having regard to national and local policy and if not whether any harm identified is outweighed by other considerations.

Reasons – suitability of the site

20. The Council fairly accepts that gypsy sites are commonly found in rural areas but draws attention to PPTS policy H (paragraph 23) which says they should be strictly limited where away from existing settlements or outside areas allocated in the development plan. In addition they should not dominate the nearest settled community. In this case, the countryside within which the appeal site is situated contains a scatter of isolated dwellings and farmsteads. There are also four other gypsy sites nearby including Perfect Place adjoining the appeal site. However, three of the four only have temporary planning permission and the fourth a personal permission. All are small sites of one or two pitches. Having driven round the area and looked at the spread of gypsy sites and conventional

- dwellings, I did not find the former to be over-dominant even with the addition of the appeal site.
21. The site lies about 2.5 kilometres from Staplehurst which has a good range of facilities and services necessary for day to day living. Whilst the journey is not long, it is accepted that there would be reliance on the car. The site is undoubtedly "away from existing settlements" but it provides a settled base for the two families with some room for horse keeping thus supporting, to a degree, their livelihood. In addition the distance to access education and health services is not great. The previous appeal Inspector found the overall sustainability of the site was not so poor as to warrant dismissing the appeal on that ground alone and I have no reason to disagree with that conclusion.
 22. The appeal site is situated within the Low Weald Special Landscape Area, a local designation which, I am told, will not be carried forward into the next Local Plan. Nonetheless the protection of the quality of the landscape is an important planning objective as is the protection of the countryside from unnecessary development. The previous appeal Inspector described the area as characterised by small pastures, strong hedgerows, mature trees, woodlands and winding country lanes. That, together with the scatter of dwellings and farmsteads is, in my view, typical of the area within which the appeal site is situated.
 23. Looking first at the horse keeping use, that would not, in itself, be out of keeping with the rural area. The paddock is shown to front Park Wood Lane and to extend back to the two residential pitches. No stable building is proposed as part of this application and Notice 1 requires the removal of the existing stable building and the hard standing to the road frontage. The Appellants have planted the perimeters of the paddock with native species such as hornbeam and hawthorn and in time the area will assimilate well with its surroundings appearing as a small field with native hedgerows.
 24. Turning next to the two residential pitches proposed, these have the advantage of being set back from the road and immediately to the north of a sizeable woodland area. They are thus seen at a distance and are screened from view from the south and seen against the backdrop of the wood from the north. The collection of structures on each site comprising the mobile home, touring caravan(s), utility room and domestic paraphernalia including parked vehicles cannot but be intrusive and the close boarded fencing that has been erected on the boundaries of the residential enclosures only emphasises the intrusion in the relatively unspoilt surroundings.
 25. Seen only at a distance from any public viewpoint, however, the appearance of the residential part of the site is in general softened by intervening field boundary hedgerows. The clearest view is from the Park Wood Lane frontage of the site where recent tree felling and removal of vegetation has exposed the full depth of the site to view. However, when the newly planted hedgerow around the paddock matures this would screen much of the residential development from view. At the hearing the Appellants indicated that they would be willing to replace the close boarded fencing with means of enclosure more appropriate to the rural location which could further assist in assimilating the residential part of the site into its surroundings.
 26. The clearance of vegetation along the frontage of the site is unfortunate in that it has opened up the site to view. However, from the large amount of

progressive decay visible in all but one of the stumps it is clear that the trees along this frontage would have had a limited useful life expectancy; indeed the decay is such that the trees might well have been in a dangerous condition prior to their removal. The tree without signs of decay in the stump was required to be removed because it was overhanging the highway.

27. With vegetation cut back/removed the possibility of repositioning the vehicular access so as to overcome any highway objection was discussed at the hearing and from a road safety aspect the officer from the highway authority was of the view that this could be satisfactorily achieved. Moving the access from the northern end of the frontage would enable improved sight lines to be provided and kept free from obstruction. Park Wood Lane is narrow but from the frontage of the site there is a view to the junction with Frittenden Road, a short distance to the north, so that emerging traffic would know if the road to the junction was clear.
28. The creation of a new access onto Park Wood Lane could be an intrusive feature but need not necessarily be so if sensitively designed and executed. The Appellants have already carried out some replacement planting of hornbeams along the frontage. A scheme could be devised to provide an access that was both safe and in keeping with the rural area. The Appellants expressed a willingness to undertake such work and this could be secured by way of condition.
29. I appreciate that the previous appeal Inspector found the access into the site to be hazardous but he did not explore whether it could be altered so as to be made acceptable since an alternative access onto Maplehurst Lane was available in that case. Moreover at that time the Park Wood Lane frontage was lined with mature trees with no indication, as far as am I am aware, that they were not perfectly healthy. I have noted the concerns that use of the lane by the Appellants has resulted in damage, but as a public highway it should be capable of accommodating traffic and the amount and type of vehicles kept on the appeal site can be controlled by way of condition. I was also shown a photograph at the hearing to demonstrate that the damage to the hedgerow opposite the access was not caused by the Appellants but by a car crashing through it following a police chase.
30. Turning then to matters of ecology, the Council was concerned that the development might have an adverse effect on protected species and on ecology and biodiversity generally. The adjoining woodland is designated ancient woodland and there are several ponds in the area including one on the appeal site at the southern end of the road frontage together with drainage ditches. Following the refusal of permission, the Appellants commissioned a biodiversity risk assessment. The subsequent report has been accepted by the Biodiversity Officer for Kent County Council who advises that permission could now be granted without harm arising provided suitable safeguarding conditions are imposed.
31. Residents have suggested that the site is not suitable for residential occupation as it floods. The Council, taking on board these concerns, consulted the Environment Agency. That body, however, does not object to the use since it considers it to pose a low environmental risk. The Council accepts this view and said the problem is a localised drainage issue with no threat to life. Whilst it is clear that the site is affected from time to time, the problem is insufficient in itself to warrant refusal of planning permission.

Other considerations - need

32. There is an acknowledged need for more gypsy and traveller sites both nationally and regionally. Work undertaken in connection with the emerging Local Plan demonstrates a clear need for many more pitches in the Borough with 105 pitches between October 2011 and March 2016. Permanent permission has only been granted for 36 pitches since the beginning of that period and 6 of those have only been granted because of the personal circumstances of the applicant. The Council secured funding in January 2012 for a new 15 pitch public site but no suitable land has been identified despite a "call for sites" and the regular monitoring of land auctions. The funding is conditional on having a site developed by March 2015.
33. The two public sites in the Borough are full with no vacancies anticipated in the foreseeable future.
34. Paragraph 9(a) of the PPTS requires Councils to identify and to update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. The Council has not done this and even though the Local Plan is anticipated for adoption in 2015 there is considerable doubt as to whether, even by then, deliverable sites will have been identified.
35. In 2006 when the previous appeal Inspector granted a temporary permission for a period of three years for Perfect Place, it was anticipated that the Council would undertake a site identification process which might indicate whether other sites, better located in terms of access to public transport and which would cause less harm to the landscape, could be found. Some seven years later no sites have been identified and pitches continue to come forward on an ad hoc basis.
36. The need for more sites continues and no progress as yet has been made in planning to address that need.
37. There are two families on the appeal site with a total of four young children. A settled base is required to assist access to health facilities and education. Neither family moved on to the appeal site from an authorised settled base of its own and neither family has an alternative site to go to.

The balance of considerations

38. It is highly unlikely that the Council will be able to meet the substantial identified need for more gypsy and traveller caravan sites without locating some, if not most, of them in the countryside. In this case, in assessing the suitability of the site against material planning considerations, which coincidentally coincide with the criteria of emerging Local Plan policy CS12, I have found the site to perform well.
39. The site lies within a reasonable distance of local services in Staplehurst albeit that there would be reliance on the car (criterion 1). It is highly unlikely that a gypsy site in the countryside would not have some effect on the character and appearance of the area but in this case the development has the advantage of a backdrop of woodland to the south and being seen at a distance from any public viewpoint. The screening effect of intervening hedgerows would be reinforced and built upon with the planting recently undertaken by the Appellants and, with further planting along the Park Wood Road frontage and the removal of the inappropriate close board fencing, the development could be

successfully assimilated into its surroundings (criterion 2). Safe access can be achieved by adjusting the vehicular access into the site (criterion 3), the site is not in an area identified as being at risk from flooding (criterion 4) and ecological concerns have been addressed (criterion 5). I am aware that saved policy ENV34 says that in Special Landscape Areas priority will be given to the landscape over other planning considerations but I do not take that to mean that there can be no development accommodated in such areas. In all the harm arising from the development of the site in the manner proposed, subject to the imposition of suitable safeguarding conditions would be not be substantial.

40. To be balanced against that harm and any apparent conflict with planning policies is the substantial and on-going need for many more gypsy pitches. This is a problem identified by my colleague in 2006 and, some seven years later, seems no nearer being addressed. Whilst the assessment of need has been updated, there is no five year supply of deliverable sites and no realistic timetable of when such a supply might be identified. In the meantime sites continue to come forward on an ad-hoc basis only. This is far from satisfactory. The acute need for allocated sites to meet the ongoing shortfall of pitches is a matter to which I attribute substantial weight. In this case it outweighs the limited harm I have identified and indicates that, where limited conflict does arise, the application should be determined otherwise than in accordance with the Development Plan.
41. The appeal succeeds and planning permission will be granted.

Conditions

42. Since I have found the development to be justified having regard to the need for more gypsy and traveller pitches generally rather than having regard to the particular circumstances of the Appellants, there is no need to limit the permission to specific occupiers other than to gypsies and travellers. My reasoning makes clear that I consider a permanent permission is justified rather than a temporary one as suggested by the Council. To ensure that the development successfully assimilates into its surroundings, and in the interests of ecology and highway safety it is necessary to limit the number of residential pitches and caravans, commercial activities, size of vehicles, and external lighting and to require a detailed layout of the site to include such measures as the incorporation a repositioned access, removal of the close board fencing, and the introduction of a landscape scheme and ecological management plan.

Notice 1 and Notice 2 – the appeals on ground (g)

43. The ground of appeal is that the time given to comply with the requirements of the notices is too short. The time periods given for compliance range from three to five months depending upon the specified requirement.
44. Much of the Appellants' arguments for an increased period of time relate to the residential use and the notice will cease to have effect insofar as that use is concerned once planning permission is granted for the s78 appeal. In addition, it would appear that in some respects the notices have already been largely complied with, for example I saw no metal containers on the site and few motor vehicles other than those connected to the residential and horse keeping uses. Insofar as the notices would still have effect it seems to me that the time periods given would be sufficient to enable the necessary work to be

done. Moreover, if any aspect of the requirements was to be the subject of further constructive negotiation between the parties, the Council has the discretion to extend the period specified under s173A(1) of the Act.

45. The appeals on ground (g) fail.

Formal Decisions

Notice 1: APP/U2235/C/12/2190048

46. The enforcement notice is corrected and varied by the deletions and additions to the allegation and requirements as set out at Annex 3. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Notice 2: APP/U2235/C/12/2190049

47. The enforcement notice is corrected and varied by the deletions and additions to the allegation and requirements as set out at Annex 4. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

S78 Appeal: APP/U2235/A/13/2191661

48. The appeal is allowed and planning permission is granted for use of the land for residential purposes involving the stationing of 2 mobile homes, 3 touring caravans and 2 utility blocks with associated parking for two gypsy families and for the keeping of horses at Land between Park Wood Lane & Frittenden Road known as Three Sons and Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF in accordance with the terms of the application, Ref:MA/12/0557, dated 23 March 2012, and the plans submitted with it, subject to the following conditions:

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites*.
- 2) There shall be no more than 2 pitches on the site. On the western pitch no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, of which only 1 caravan shall be a static caravan. On the eastern pitch no more than 3 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 3) Save for activities in connection with the keeping of horses, no commercial activities shall take place on the site, including the storage of materials.
- 4) Other than one vehicle of 7.5 tonnes, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 5) There shall be no external lighting on the site other than in accordance with a scheme submitted to and previously agreed in writing with the local planning authority.
- 6) The residential use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the

purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:

- i) within 3 months of the date of this decision a scheme (hereinafter referred to as the site development scheme) showing details of:
 - a) the internal layout of the site including the extent of the two residential pitches, the siting of caravans, vehicle parking (including a designated area for the parking of the 7.5 tonne lorry) and turning areas, buildings and hard standing;
 - b) all boundary treatments and all other means of enclosure (including internal sub-division) and incorporating the replacement of the existing close board fencing;
 - c) a repositioned access to Park Wood Road including sight lines, landscape works, surfacing materials and details of any gate proposed; and
 - d) a Landscape Scheme and Ecological Management Plan for the site to include
 - the creation of and retention of an ancient woodland buffer strip;
 - the creation and retention of a habitat buffer strip between the road and ditch;
 - the creation and retention of a habitat buffer around the pond; and
 - the creation of a log pile within the pond habitat buffershall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) Within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 7) Following implementation of the details approved in condition 6, there shall be no change to any of the approved details. The parking and turning areas shall be kept available for their designated use at all times.
 - 8) If within a period of 5 years from the date of the implementation of the site development scheme required by condition 6 any tree or plant comprised in that scheme, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size (as is reasonably practicable) shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

Bridget M Campbell

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr B Woods	WS Planning and Architecture
Mr K Harrington	Appellant
Mr S Peckham	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss A Marks	Principal Planning Officer
Miss G Alexander	Planning Officer (Enforcement)
Miss S Buell	Biodiversity Officer, Kent County Council
Mrs L Rowlands	Development Planner, Kent County Council, Highways and Transportation

INTERESTED PERSONS:

Ms S Timmins	Local resident
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DOCUMENTS submitted at the hearing

- 1 Letter of notification of hearing date
- 2 Letter from P Roestenburg dated 16 April 2013
- 3 Letter dated 24 January 2013 from Customer services, Maidstone BC
- 4 Extract from Interim Approval of Maidstone Borough Local Plan Policies
13 March 2013
- 5 Statement from Miss Buell dated 13 May 2013
- 6 Photographs of tree stumps

Annex 1

Notice 1 – Parkwood Stables

The breach of planning control alleged

Without planning permission, the change of use of the land from agriculture to a mixed use comprising agriculture, the stationing of caravans (including mobile homes) for residential occupation, the keeping of horses, the parking and storage of motor vehicles unconnected with agriculture, the parking and storage of a catering trailer, the stationing of metal storage containers and the placing of domestic and other paraphernalia all ancillary to the residential use and the keeping of horses on the land; and the carrying out of operational development being the laying of hardsurfacing and installation of a drainage pipe in a ditch and infilling around that pipe; laying of areas of hardsurfacing, including an internal trackway; the erection of a timber utility building; the erection of a timber stable building; the erection of fencing and gates; and the installation of a satellite dish.

The requirements of the notice and the time for compliance

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the keeping of horses.
Time for compliance: Three months.
- (iii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all caravans (including mobile homes).
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (vi) Permanently remove from the land shown outlined in red on the attached Plan A the stationed catering trailer.
Time for compliance: Three months.
- (vii) Permanently remove from the land shown outlined in red on the attached Plan A all stationed metal storage containers.
Time for compliance: Three months.

- (viii) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ancillary to the residential use and the keeping of horses on the land.
Time for compliance: Three months
- (ix) Permanently excavate the hardsurfacing, ditch infill and drainage pipes constructed at the access to the land from Park Wood Lane and shown coloured yellow in the approximate position on the attached Plan B.
Time for compliance: Five months.
- (x) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing, including the internal trackway, shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.
Time for compliance: Four months.
- (xi) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A the timber utility building and the timber stable building coloured green in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.
Time for compliance: Four months.
- (xii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates coloured blue in the approximate positions on the attached Plan B.
Time for compliance: Four months.
- (xiii) Permanently remove from the land shown outlined in red on the attached Plan A the satellite dish coloured orange in the approximate position on the attached Plan B.
Time for compliance: Four months.
- (xiv) Following compliance with steps (ix), (x) and (xi) above, restore the land previously covered by the hardsurfacing, timber utility building, and timber stable building to its previous condition and levels by ripping the ground in two directions to 300mm depth, re-spreading topsoil over that land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.
Time for compliance: Five months
- (xv) Permanently close off the access to Park Wood Lane by erecting a one metre high post and wire fence across the full width of the access.
Time for compliance: Five months.

Annex 2

Notice 2 – Three Sons

The breach of planning control alleged

Without planning permission, the change of use of the land from agriculture to the stationing of caravans (including mobile homes) for residential occupation and the parking and storage of motor vehicles unconnected with agriculture and the placing of domestic and other paraphernalia ancillary to the residential use on the land; and the carrying out of operational development being the laying of hardsurfacing; and the erection of fencing and gates.

The requirements of the notice and the time for compliance

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (iii) Permanently remove from the land shown outlined in red on the attached Plan A all caravans.
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ancillary to the residential use of the land.
Time for compliance: Three months
- (vi) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.
Time for compliance: Four months.
- (vii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates coloured blue in the approximate positions on the attached Plan B.
Time for compliance: Four months.
- (viii) Following compliance with steps (vi) above, restore the land previously covered by the hardsurfacing to its previous condition and levels by ripping the ground in two directions to 300mm depth, re-spreading topsoil over that

land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months

Annex 3

Notice 1 – Parkwood Stables

The breach of planning control alleged

Without planning permission, the change of use of the land from agriculture to a mixed use comprising ~~agriculture~~, the stationing of caravans (including mobile homes) for residential occupation, the keeping of horses, the parking and storage of motor vehicles unconnected with agriculture, the parking and storage of a catering trailer; ~~and the stationing of metal storage containers for storage use and the placing of domestic and other paraphernalia all ancillary to the residential use and the keeping of horses on the land~~; and the carrying out of operational development being the laying of hardsurfacing and installation of a drainage pipe in a ditch and infilling around that pipe; laying of areas of hardsurfacing, including an internal trackway; the erection of a timber utility building; the erection of a timber stable building; the erection of fencing and gates; and the installation of a satellite dish.

The requirements of the notice and the time for compliance

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the keeping of horses.
Time for compliance: Three months.
- (iii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture, ~~for the parking and storage of a catering trailer and for the stationing of metal containers for storage use~~.
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all caravans (including mobile homes).
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (vi) Permanently remove from the land shown outlined in red on the attached Plan A the ~~stationed~~ catering trailer.
Time for compliance: Three months.
- (vii) Permanently remove from the land shown outlined in red on the attached Plan A all ~~stationed~~ metal ~~storage~~ containers.
Time for compliance: Three months.

- (viii) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ~~ancillary to~~ introduced to facilitate the residential use and the keeping of horses on the land.

Time for compliance: Three months

- (ix) Permanently excavate the hardsurfacing, ditch infill and drainage pipes constructed at the access to the land from Park Wood Lane and shown coloured yellow in the approximate position on the attached Plan B.

Time for compliance: Five months.

- (x) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing, including the internal trackway, shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.

Time for compliance: Four months.

- (xi) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A the timber utility building and the timber stable building coloured green in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.

Time for compliance: Four months.

- (xii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates introduced to facilitate the unauthorised uses and coloured blue in the approximate positions on the attached Plan B.

Time for compliance: Four months.

- (xiii) Permanently remove from the land shown outlined in red on the attached Plan A the satellite dish coloured orange in the approximate position on the attached Plan B.

Time for compliance: Four months.

- (xiv) Following compliance with steps (ix), (x) and (xi) above, restore the land previously covered by the hardsurfacing, timber utility building, and timber stable building to its previous condition and levels by ripping the ground in two directions to 300mm depth, re-spreading topsoil over that land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months

- (xv) Permanently close off the access to Park Wood Lane by erecting a one metre high post and wire fence across the full width of the access.

Time for compliance: Five months.

Annex 4

Notice 2 – Three Sons

The breach of planning control alleged

Without planning permission, the change of use of the land from agriculture to the stationing of caravans (including mobile homes) for residential occupation and the parking and storage of motor vehicles unconnected with agriculture ~~and the placing of domestic and other paraphernalia ancillary to the residential use on the land;~~ and the carrying out of operational development being the laying of hardsurfacing; ~~and the erection of fencing and gates.~~

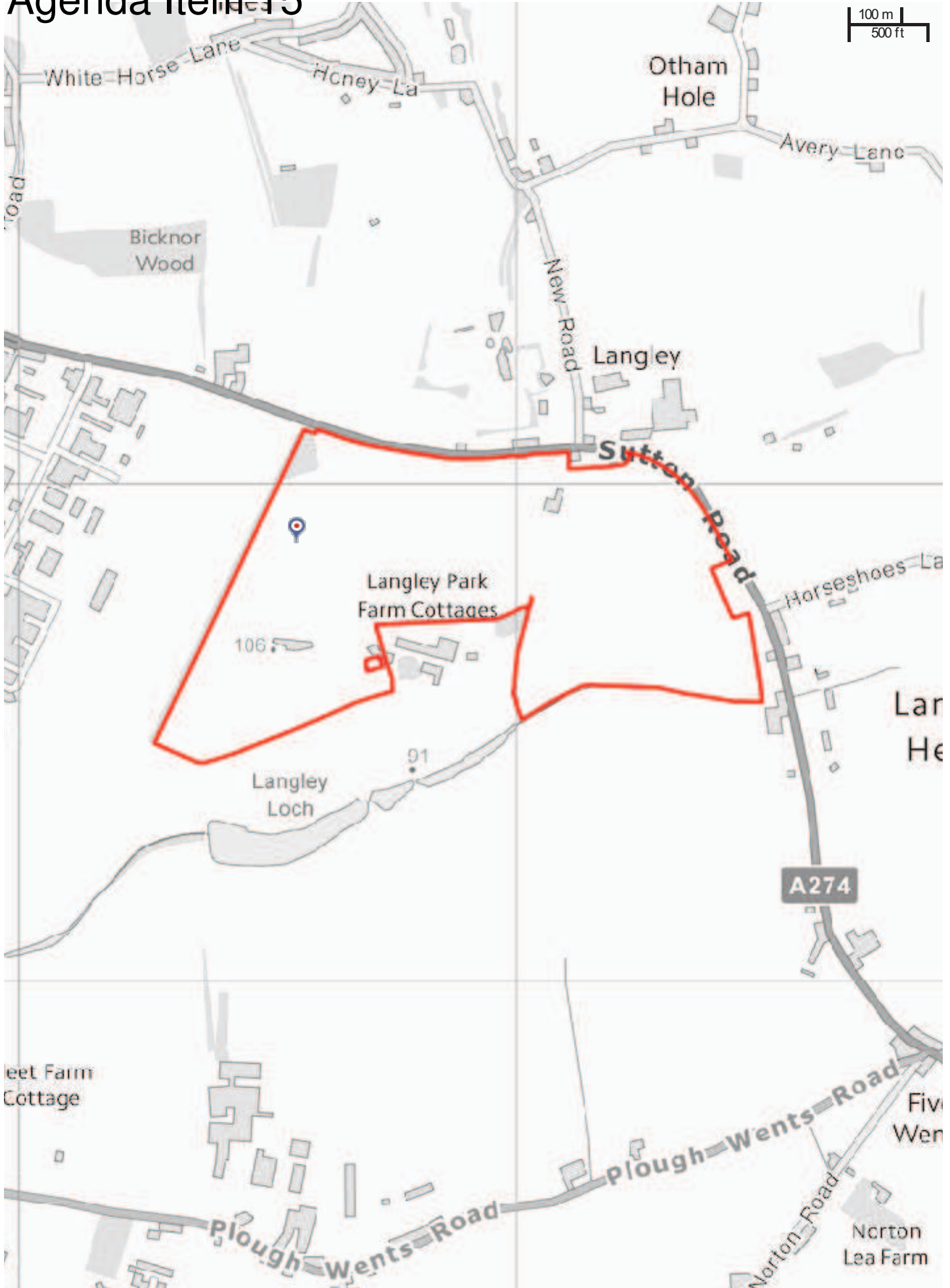
The requirements of the notice and the time for compliance

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (iii) Permanently remove from the land shown outlined in red on the attached Plan A all caravans.
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ~~ancillary to~~ introduced to facilitate the residential use of the land.
Time for compliance: Three months
- (vi) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.
Time for compliance: Four months.
- (vii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates introduced to facilitate the unauthorised uses and coloured blue in the approximate positions on the attached Plan B.
Time for compliance: Four months.
- (viii) Following compliance with steps (vi) above, restore the land previously covered by the hardsurfacing to its previous condition and levels by ripping

the ground in two directions to 300mm depth, re-spreading topsoil over that land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months

Agenda Item 15



15/509015 - Land South of Sutton Road
Scale: 1:10000
Printed on: 21/6/2016 at 15:40 PM

REPORT SUMMARY

REFERENCE NO - 15/509015/OUT			
APPLICATION PROPOSAL - Outline planning application for a residential development together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (crèche/day centre/ day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha of land for primary education (use class D1), public open space in the form of natural green space, play facilities and informal open space together with landscaping, parking footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access. (Please note that while the number of units has not been specified in the description of development, the indicative figure is 800).			
ADDRESS - Land to the South of Sutton Road, Maidstone, Kent			
RECOMMENDATION – Grant Conditional Planning Permission subject to the completion of a S106 legal agreement (detailed draft appended).			
SUMMARY OF REASONS FOR RECOMMENDATION - The site is a strategic housing allocation H1(10) in the submitted Maidstone Local Plan 2016 (as modified by the Inspector’s Final Report (Regulation 25).			
REASON FOR REFERRAL TO COMMITTEE – • To consider ‘additional’ material considerations and a revised draft S106 legal agreement			
WARD Sutton Valence and Langley; Parkwood	PARISH/TOWN COUNCIL Langley	APPLICANT Countryside Properties (Ltd) AGENT DHA Planning	
DECISION DUE DATE 3 rd August 2017 (agreed Extension of Time)	PUBLICITY EXPIRY DATE 7 th July 2017	OFFICER SITE VISIT DATE 23 rd November 2015	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/509015	Current proposal (description above)	Resolved to be granted subject to S106	14-7-16
14/503710/PA MEET	EIA Scoping Opinion - Development of Approximately 950 dwellings and a two form entry primary school	Environmental Statement required	17-7-15
90/2009	Langley Park Driving Range Sutton Road Change of use to 9-hole 3-par golf course.	Refused	26-4-1996
94/0010	Langley Park Driving Range Variation of condition 03 of MA/89/0919 to allow	Permitted	14.02.1994

	retention of works/improvements to access.		
92/0591	Langley Park Driving Range Sutton Road Variation of conditions (ix) and (xi) of MA/89/0919E and variation of condition (ii) of MA/90/1551E to allow the golf driving range and associated floodlighting to be used by the public to 10pm. on any day.	Permitted	16.07.1992
89/0919	Langley Park Farm' Sutton Road Change of use to golf driving range and erection of covered area shop and clubroom.	Permitted	16-11.1989

1. INTRODUCTION

- 1.1.** This Committee resolved to grant conditional consent for the proposal subject to a S106 legal agreement on 14th July 2016. Since then a number of material considerations have altered which are detailed in section 6 of this report and, moreover, the S106 has not been signed. The previous consolidated report is appended as is the latest draft of the Section 106 agreement.
- 1.2.** The primary purpose of this report is therefore to allow comprehensive consideration of all relevant material considerations and revised certain draft heads of agreement within the S106.
- 1.3.** Therefore, this report's focus is on 'additional' material considerations and a revised draft S106 legal agreement subsequent to the 14th July 2016 committee report (appended).

2. PROPOSAL

- 2.1.** Unchanged with the exception that the developers have indicated that the proposed upgrading of the off-site footway KH 365 to a cycleway is not achievable as the landowner of the PROW does not agreed to the upgrade.

3. POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: policies ENV6, ENV21, ENV28, ENV32, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Submission Draft Maidstone Borough Local Plan 2016: policies SS1, SP3, SP5, SP17, H1(10), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM14, DM22, DM23, DM24, DM25, DM27, ID1
- Schedule of Proposed Main and Minor Modifications to the Regulation 19 Maidstone Borough Local Plan March 2017
- Kent Waste and Minerals Plan 2016

4. LOCAL REPRESENTATIONS

- 4.1. Local Residents:** No additional representations received. However, no additional publicity exercise has been undertaken because the outline application has not changed.

5. CONSULTEES

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Relevant consultees were consulted in relation to iterations of the draft s106 legal agreement. Only altered responses are included

- 5.1. West Kent Clinical Commissioning Group:** No objection, updated financial contribution or on-site provision to meet health care needs.
- 5.2. Highways England:** Require a contribution towards a managed approach to the delivery of the part-signalisation of Junction 7, which allocates the funding of such improvements in a practical and equitable way.
- 5.3. KCC Highways** have indicated that provision of a dedicate bus route from the site to Bearsted is not viable due to the small demand such a service would generate.
- 5.4. The Housing Officer** has commented on the impact of the submitted affordable housing policy, DM13. He has also confirmed that the development does not need to provide wheelchair accessible units due to lack of demand. His comments are incorporated in section 6.7 of this report.

6. APPRAISAL

Reasons for Referral Back to Planning Committee

- 6.1.** As discussed earlier, this report considers both 'additional' material considerations and S106 heads.
- 6.2.** The key material considerations relate to:
- Air quality update
 - Waste and Minerals provision
 - Boughton Lane Appeal advice
 - Maidstone Submitted Local Plan

6.3. Air quality update

- 6.3.1** In April 2015, ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible. Those plans were deemed inadequate by ClientEarth who took the government back to the High Court in a Judicial Review. On 2 November 2016 the court ruled that the government's 2015 Air Quality Plan failed to comply with the Supreme Court ruling or relevant EU Directives and said that the government had erred in law by fixing compliance dates based on over optimistic modelling of pollution levels.

6.3.2 The responsibility for achieving EU limit values lies with central government (DEFRA) rather than Local Authorities although planning decisions are made on the basis of the national Air Quality Objectives (AQO) which are the same as the limit values. The assessment undertaken to inform this application has been undertaken in consultation with the Senior Scientific Officer (Environmental Protection) and a sensitivity test has been included which uses base year emission factors in the future year scenarios (i.e. assuming no improvement in emission factors) as a worst-case scenario. The overall effect of the development on local air quality is judged as being 'not significant' and sufficient mitigation would be secured by condition.

6.4 Minerals Provision

6.4.1 The Kent Minerals and Waste Local Plan was adopted on 14 July 2016, seeking to safeguard the delivery of a suitable level of these natural resources over the plan period.

6.4.2 This is a site that is shown within the Minerals and Waste Plan as being within an area that has the potential to contain Kentish Ragstone, and is therefore sought to be safeguarded. Policy DM7 of the aforementioned plan sets out the circumstances in which planning applications for this type of development can be permitted, having regard to safeguarding requirements. Policy CSM5 relates to land-won mineral safeguarding, and seeks to ensure that resources are not sterilised by other development. Policy DM21 refers to incidental mineral extraction.

6.4.3 It is important to note that policy DM7 of the Kent Minerals and Water Local Plan states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of the seven listed criteria is met. Criteria 7 of the aforementioned policy is met where the development proposal '*constitutes development on a site allocated in the adopted development plan.*' Whilst the plan has not yet been formally adopted by the Council, the Local Plan Inspector has issued his Final Report and considers the site policy to be sound in the absence of the requirement for a minerals safeguarding criterion.

6.4.4 Whilst it is acknowledged that the County have requested that this site be included within the sites required to provide a Minerals Assessment, the Borough Council remain of the view that sites containing both Ragstone and Industrial Sands should be excluded from such a requirement. It is on this basis that no request has been made of the applicant to provide any assessment on minerals in this instance.

6.4.5 Whilst this site is identified within the Kent County Council Minerals and Waste Plan for safeguarding for minerals, given the strategic importance of the site for housing provision, the passage of time, and as the Borough Council are not seeking any Minerals Assessment for sites within this limestone formation, it is not considered that any further information or subsequent consideration is required to determine this application.

6.5 Boughton Lane appeal advice

6.5.1 At the Planning Committee meeting on 14th July 2016 the legal officer advised members that the Boughton Lane/New Line Learning decision was not a material consideration in the determination of this planning application. Whilst it is correct that the Secretary of State's decision has been quashed by the Court with the consent of the parties, this was on a discrete basis relating to the approach taken to the Maidstone Borough-Wide Local Plan (2000) saved policy ENV32. No challenge was

made to the Secretary of State's (or his Inspector's) conclusions in respect of traffic congestion, and so the Council does not accept that those findings were affected by the quashing of the decision.

- 6.5.2 As Members are no doubt aware, the appeal decision has been overtaken by events in that the site has been removed from the Local Plan by the Inspector in his Final Report. The South East sites have obviously been found sound.

6.6 Maidstone Local Plan (2011-2031) & Final Report

- 6.6.1 A critical material consideration is that since this application was last considered in July 2016, the Submitted Maidstone Borough Local Plan has made substantial progress towards adoption. The Examination in Public was held between October 2016 and January 2017. The Local Plan Inspector issued his Interim Findings on 22nd December 2016. Overall the draft Plan now has significant weight. The site specific allocation H1(10) was accepted by the Inspector who supported the allocation of development sites under Policy SP3 in the Interim Findings. In particular the Inspector supported the Council's position regarding necessary transport improvements to mitigate the impact of housing growth. The Inspector criticised the position of KCC obstructing the provision of sustainable transport measures on the A274. Policy H1 (10) was not proposed to be altered in the subsequent Proposed Main and Minor Modifications (March 2017)¹ which indicates that the Inspector considers H1(10) to be sound and legally compliant. Moreover, the Inspector's Final Report has now been received and there are no significant modifications proposed which would prejudice the delivery of this housing allocation. As a consequence it is considered that Policy H1(10) should be afforded almost full weight in accordance with paragraph 216 to Annex 1 of the NPPF.
- 6.6.2 It should be noted that the site is the single largest housing allocation within the Submitted Local Plan. Delivery of this housing is an extremely important element of the Council's housing trajectory to meet objectively assessed housing need.

7. S106 HEADS

- Part-Signalisation of Junction 7 of the M20 Motorway
- Education Contribution
- Health Contribution
- Affordable Housing
- Public Right of Way 365
- Highways
- Additional Bus Services

7.1 Part-Signalisation of Junction 7 of the M20 Motorway

- 7.1.1 A major reason for this outline application being reported back to Planning Committee is because this scheme was to be the sole contributor to the part-signalisation of J7 at an estimated cost of £1.46m. This is not the case now.
- 7.1.2 It is worth noting that Highways England previously said:-
"6.13 Highways England: We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented.

However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario. In the absence of any timescales for the development of the Medical Campus M20 Junction 7 instigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place”.

- 7.1.3 No Grampian condition was proposed rather a draft S106 head seeking “£1.46m for the signalisation of J7 of the M20.” It was envisaged that this would pay for all of the part-signalisation works. However, the applicant considered that it was unreasonable to pay the full cost and I would concur (as do Highways England).
- 7.1.4 Therefore, there has been much re-consideration of this matter. Highways England consider that a ‘managed approach’ should be taken and have been reference to the statement of common ground drawn up for the Examination in Public of the Local Plan. They have indicated that they would object if the proposed development did not make a suitable contribution to the J7 works.
- 7.1.5 This Council, as local planning authority, does take a ‘managed approach’ both in terms of policy and practice. In effect, we have a clear strategy.
- 7.1.6 Policy DM21 ‘Sustainable Transport’ inter alia identifies the need for traffic signalisation at J7 (para 17.127 of the explanatory text) then refers to the need to work in partnership with the Highways Authorities and the Integrated Transport Strategy. It highlights the need for transport assessments in accordance with the NPPF.
- 7.1.7 Effectively, this means an area based approach to the planning and delivery of infrastructure is employed in that the specific improvements are identified in the Local Plan (together with the ITS and IDP) and through transport assessments, the impacts and so the apportionment can be identified.
- 7.1.8 Mott McDonald have been employed to undertake detailed analysis in line with this approach. A report is appended. Three sites have been identified as having a significant impact on J7 and with a reasonably high level of certainty of delivery in the next 6 years or so. Moreover, with developers. Therefore it is proposed to attach a Grampian condition requiring the developer to enter into a Section 278 Agreement under the 1980 Highways Act with Highways England securing a financial contribution toward J7. The apportionment of this substantial contribution would be based on the indicative percentages for the 3 schemes by Mott McDonald:-

- This site, namely, land south of Sutton Road, Local Plan reference H1 (10)
- Land north of Bicknor Wood H1 (7)
- Land west of Church Road, Otham H1 (8).

These are the sites currently with the greatest certainty of delivery and demonstrate the ‘managed approach’ in practice. However, given that the J7 improvement works may not be implemented for over 10 years then it may be that other allocated sites or windfall sites contribute in the fullness of time depending on the impact (as assessed in Transport Assessments) and timing.

- 7.1.9 It may also be the case that the ‘medical’ campus at J7 is built out earlier than anticipated. If such a future scenario were to happen then contributions could be taken to fund capacity improvements at roundabouts/junctions in close proximity to J7 for example.

7.2 Education Contribution

7.2.1 Further discussions have occurred with KCC Education and the following approach has been agreed by all parties:

- Provision of a site and funding to allow the building of a 1 form entry primary school on site.
- That the timing of the funding allows the school to be operational at a point agreeable to the Education Authority.
- That the dwelling mix proposed for the development will mean a 1 form entry will be sufficient to meet the needs of the proposal.
- That if the Education Authority want to expand the school to a 2 Form Entry school in the future, the necessary land is safeguarded and would be provided at a 20% discount on market residential value.

No other education provisions have altered from the original agreed Heads of Terms.

7.3 Health Contribution

7.3.1 While the number of houses is indicative, if it were 800 units the contribution for health would be £471,744 (560 market housing units) x 2.34 (occupancy) x £360 per resident). Such a contribution would be in accordance with S106 requirements we can require as local planning authority. However the CCG are keen to explore the provision of a wider on-site health facility to serve a wider population. While the proposed development need not deliver/fund an entire facility itself, the S106 has been drafted to allow such a solution, and to frame the necessary commercial negotiations.

7.4 Affordable Housing

7.4.1 As Members will be aware, the previous resolution sought to provide 30% affordable housing with a 60/40 split between social rented and shared ownership tenure. Since the resolution last year, the Local Plan Inspector has issued his Final Report, and the policies within the document now carry almost full weight. The Council's emerging Policy (DM13) requires the provision of a 70/30 split unless viability indicates otherwise.

7.4.2 However, the applicants have undertaken significant works since the resolution with the landowners and also infrastructure providers that will see the early delivery of the primary school on site, as well as significant road and foul water infrastructure. For this reason the applicants are not able to achieve the 70/30 split, but have agreed for the first phase to be provided on a 65/35 split, and then all other phases to follow suit unless there are changes within the funding mechanisms for the delivery of affordable housing thereafter. It is also relevant that when this application first came before members, a less than 70/30 split was considered acceptable in all the circumstances.

7.4.3 Clearly the delivery of affordable housing is a priority of the Council, and I would seek to adhere to the emerging policy where possible. However, in this instance, given the planning history of this site, and the fact there has been a previous resolution, I consider it acceptable that the applicant is proposing a 65/35 split in this instance. Any change to this tenure split in subsequent phases would need to be justified in terms of the relevant policy, DM13, namely changes to financial viability.

- 7.4.4 The previous requirement for 16 wheelchair accessible units has been removed following the Housing Officer's revised comments.

7.5 Cycle and pedestrian link

- 7.5.1 The developers have indicated that the proposed upgrading of the off-site footway KH 365 to a cycleway is not achievable as the landowner of the PROW does not agree to the upgrade. This limits the opportunity for east west cycle routes which would be utilised by residents of the development. However, under submitted local plan policy H1(5) and H1(10) there is a requirement for a cycle and pedestrian link to the west via the Langley Park development and this is considered to provide an equivalent link of similar utility.

7.6 Highways Issues

The previous transport assessment assessed the impact of the proposal and showed an acceptable impact. This was accepted by committee when it considered the proposal. The detailed analysis of the relevant issues is included within the appended July 2106 committee report, which I do not repeat here.

7.7 Public Transport

- 7.7.1 At the Planning Committee meeting on the 14 July 2016, Members requested that investigations be undertaken to see whether existing bus services could be further enhanced, and indeed whether new services could be introduced beyond that proposed at the time. The services specifically referred to were:

- Enhancement of the Maidstone to Headcorn route (particularly during peak hours);
- Provision of a bus to serve the Cornwallis School from this locality; and
- Provision of a bus service to Bearsted Station from this locality.

- 7.7.2 Discussions have subsequently taken place between the applicants and the bus providers (Arriva), and Kent County Council and it has been agreed that funds can be provided to enhance the Headcorn Service, which will also 'double up' and serve the Cornwallis School during peak hours. Both Arriva and KCC are satisfied that this would be of benefit.

- 7.7.3 However, neither the operator or KCC considered that a service to Bearsted Station would be viable, and neither would support this proposal. As such, the applicant has not included this as part of the application proposal. However, one of the reasons why the Local Plan Inspector found the A274 residential allocations to be acceptable is that a new service to Maidstone East is proposed to capitalise on the new Thames Link services coming on stream in 2018. Therefore, I consider that monies are directed to the new service as part of a s106 head of agreement.

8.0 CONCLUSION

- 8.01 Having considered the 'updated' material planning considerations subsequent to the July 2016 Planning Committee together with the outstanding s106 heads my recommendation remains positive for the allocated residential site subject to the new heads and conditions. This is reinforced by the acceptance of this site as an allocation in the Inspector's Final Report.

- 8.02 Apart from the specific matters discussed, the heads of agreement and planning conditions are as reported to and resolved by Planning Committee in July 2016.
- 8.03 A considerable period of time has elapsed subsequent to this application being reported to Planning Committee in July 2016 with inter alia repercussions for strategic housing delivery. Therefore, I seek full delegated powers for both the necessary heads of agreement and planning conditions in order to deliver the specific matters discussed in this report.

9.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

1. Section 106 agreement with revised heads of agreement in relation to a financial contribution to signalisation works at Junction 7 of the M20 motorway; affordable housing tenure mix; financial contributions towards improved primary health care facilities in the local area; alterations to the approach to primary education provision; and a revised financial contribution toward improved bus services in the local area; west – east cycle and pedestrian link (otherwise the heads of agreement are as resolved at the July 2016 Planning Committee).
2. That the Head of Planning and Development is able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by Planning Committee.

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

RESERVED MATTERS

1. The development shall not commence for each phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-
a. Layout b. Scale c. Appearance d. Landscaping
The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.

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

TIME LIMITS

2. The first application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters for any phase or of the development to be made to the LPA within four 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.

M20/JUNCTION 7

3. Prior to the completion of the 400th dwelling house, the applicant shall complete a section 278 Agreement under the Highways Act 1980 with Highways England which makes a significant contribution toward the part-signalisation of Junction 7 of the M20 motorway, the contribution will be proportional and apportioned with other schemes having a significant impact on the traffic flows at Junction 7.

Reason: Transport assessments have been undertaken which confirm that the development would have a significant impact on traffic flows at Junction 7 and in accordance with Policy DM71.

LANDSCAPING

4. The development shall not commence (including any demolition, ground works, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that phase, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development [and long term management of the landscaping]. The development shall be carried out in accordance with the approved details and the approved landscaping scheme as regards its terms on long term maintenance for each phase may be amended during the lifetime of the development provided such variations are submitted to and approved in writing by the Local Planning Authority.

The landscape scheme for each phase shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping within the phase or within the wider development if such structural landscaping is not application for each phase
- b) Retention and enhancement of boundary vegetation unless otherwise specified excluding the openings required for access points).
- c) The provision of a protective buffer zone adjacent to the existing boundary with the Langley Park Farm hamlet.
- d) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
- e) Proposed finished levels and contours
- f) Works necessary to any existing Public Rights of Way within that phase;
- g) Car parking layouts;
- h) Other vehicle and pedestrian access and circulation areas;
- i) Hard surfacing materials;
- j) Written planting specifications;
- k) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);

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- l) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc. and including a specification of Play Areas [including their long term management and maintenance]
- m) Implementation programme setting out timing for completion of the various parts of the hard and soft landscaping works.
- n) Landscape details shall include "green fingers" down to Langley Loch, screening to protect views from the A274 and B2163 and a wooded buffer zone next to the A274 with the retention of existing vegetation.

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

Reason: To ensure a satisfactory development in the interests of amenity.

5. All hard and soft landscape works submitted and approved pursuant to condition 1 for each phase of the development shall be carried out in accordance with the details approved pursuant to condition 1 and relevant landscaping scheme pursuant to condition 3 in accordance with the implementation programme approved as part of the relevant landscape scheme pursuant to condition 3. Any trees or plants whether new or retained which within a period of 5 years from the completion of that phase 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. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

PLANTING

6. All planting, seeding or turfing comprised in the relevant landscaping scheme pursuant to condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Reason: To ensure a satisfactory external appearance to the development.

PHASING

7. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. This shall include the phasing for the delivery of the local centre including the A1 use hereby permitted. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

NON-RESIDENTIAL USES

8. Where the non-residential uses hereby permitted include an A1 use then in relation to such development the permitted development rights with the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be restricted such that no development consisting of a change of use from A1 to any other use shall be permitted at any time by this permission or the Town and Country (General Permitted Development)(England) Order 2015.

Reason: To ensure the vitality of a local centre.

ECOLOGY

9. Prior to the commencement of development of each phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, nesting birds and retained habitats including the stream and hedgerows) for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to

avoid, reduce and/or mitigate impacts and achieve stated objectives;

- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

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

Reason: To protect and enhance biodiversity.

10. Prior to the commencement of development (including ground works, demolition and site clearance) of each phase an ecological design strategy (EDS) addressing habitat creation and enhancement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

11. Prior to commencement of development (including ground works, demolition and site clearance) on each phase a Construction Environmental Management Plan (CEMP: Biodiversity) which shall be informed by the ecological design strategy (EDS) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" clearly depicted on a map
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- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The roles and responsibilities on site of an ecological clerk of works (EcoW)

or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs.

i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

12. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 month) within 1 year from the date of the planning consent, the ecological measures are set out in the Section five of the Environmental Statement shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP: Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

LIGHTING

13. Details of a lighting design strategy for biodiversity for the each phase shall be submitted to and approved in writing by the local planning authority prior to the occupation of the relevant phase of development. The development shall be carried out in accordance with the approved details.

The strategy shall:

a) Identify those areas/features within the phase that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

TREES

14. The development shall not commence on any phase until an Arboricultural Method Statement for that relevant phase in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

15. No development shall commence on any phase until a full Arboricultural Implications Assessment (AIA) has been submitted to and approved in writing by the

Local Planning Authority. Such study shall consider the exact relationship between the development and the existing trees on the relevant phase and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the phase, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the phase. The development shall be implemented in accordance with the approved AIA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

HEDGE PROTECTION

16. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

MATERIALS

17. The development shall not commence for any phase until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces for that phase have been submitted to and approved in writing by the Local Planning Authority and the phase of development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

ARCHAEOLOGY

18. The development shall not commence for any phase until a programme of archaeological work for that phase in accordance with a written specification and timetable has been submitted to and approved by the Local Planning Authority. The works in that phase shall be carried out in accordance with the approved details.

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

SLAB LEVELS

19. The development shall not commence for any phase until details of the proposed slab levels and ridge heights of the buildings and the existing site levels for that phase have been submitted to and approved in writing by the Local Planning Authority and the development in that phase shall be completed in accordance with the approved levels.

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

CONTAMINATION

20. The development shall not commence for any phase until the following components of a scheme to deal with the risks associated with contamination of that phase have been submitted to and approved, in writing, by the local planning authority.

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination within the phase.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken within the phase. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the phase. Any material brought onto the phase shall be certified clean; Any changes to these components require the express consent of the local planning authority. The development in that phase shall be carried out in accordance with the approved details.

Reason: In the interests of public safety and pollution prevention.

EXTERNAL APPEARANCE

21. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

FOUL WATER

22. The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and as necessary off-site improvements to the local network have been submitted to and approved in writing by the Local Planning Authority in consultation with a relevant statutory undertaker. The details shall include phasing of the occupation of the development commensurate with the timescales for the improvement works to be carried out. The development shall be carried out in accordance with the approved details. The development shall be occupied in accordance with the approved phasing details.

Reason: In the interest of pollution and flood prevention.

HIGHWAYS AND ACCESS

23. No occupation of each phase of the development hereby permitted shall take place until the highways, cycle routes and footway improvements within or physically adjoining that phase have been completed. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling in each phase:

- a) treatment of the private road from Sutton Road to the Langley Park Farm hamlet;
- b) on-site cycle routes
- c) on-footways and PROWs
- d) on-site highways.

Reason: In the interests of sustainable transport.

BUS ONLY ROAD

24. No occupation shall take place until details of the bus-only road and bus turning facilities at the eastern end of the bus-only road at the junction with Sutton Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to the occupation of 300th dwelling.

Reason: In the interests of sustainable transport.

CONSTRUCTION

25. Prior to commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
 - ii) the parking of vehicles of site operatives and visitors;
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- iii) the loading and unloading of plant and materials;
 - iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
 - v) the storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
 - vii) wheel washing facilities;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) measures to control noise and vibration during construction;
 - x) a scheme for the recycling or disposal of waste resulting from construction works.
 - xi) Code of Construction Practise (see below).

Reason: In the interests of sustainable construction and in the interests of amenity.

CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)

26. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on

Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include:

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

Reason: In the interests of amenity.

HISTORIC BUILDINGS

27. The details required by condition 1 shall show the phase/phases of development directly adjoining the Langley Park Farmhouse hamlet shall be informed by a historic buildings assessment of the Langley Park Farmhouse hamlet which shall be submitted at the relevant reserved matters stage.

Reason: To ensure that historic buildings are protected in the layout of the relevant phases adjoining Langley Park Farmhouse hamlet.

EDUCATION DUAL USE OF PLAYING FIELD

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28. Prior to first use of the school, details of a community use agreement setting out how the playing field of the school can be used by alternative community uses. The details shall set out payment mechanisms, and long term maintenance arrangements to accommodate the increased community use. The details shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be carried out in accordance with the approved details thereafter.

Reason: in the interests of community accessibility.

JUNCTION IMPROVEMENTS

29. No part of the development shall be occupied until such time as junction improvements at the junction of Sutton Road and St Saviours Road are carried out. Full details of such works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full to the satisfaction of the Local Planning

Authority in consultation with the Local Highways Authority, prior to the occupation of any dwelling.

Reason: In the interests of highway capacity and safety.

RENEWABLE ENERGY

30. The construction of the development shall not commence until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

NUMBER OF DWELLINGS

31. The number of dwellings shall be limited to a maximum of 800.

Reason: In order to ensure satisfactory design, highways impact and residential amenity.

DRAINAGE

32. No infiltration of surface water drainage into the ground at this site 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.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

33. Prior to commencement of development I a detailed sustainable surface water drainage design for the site compliant with Flood Risk Assessment and Drainage Strategy (PBA 30833/2004 Rev W, March 2016) and design parameter drawings (PBA 30933/2004/001 and PBA 30833/2004/001 Rev F), shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at to the receiving watercourse.
 - ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
 - iii. Appropriate allowances for climate change have been incorporated into design.
- The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable drainage.

34. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

DUCTING OF SERVICES

35. Prior to the first use of any commercial and non-residential premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interests of amenity.

PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE

36. The development shall provide charging points for low-emission plug-in vehicles to dwellings with dedicated off-street parking.

The development shall provide at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the Local Planning Authority and Kent County Council).

Reason: In the interests of sustainable transport and the avoidance of pollution.

PROVISION OF BUS FACILITIES AND ACCESS

37. Prior to the construction of the relevant phase of development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road, in the interests of sustainable transport.

ACCESS TO WEST

38. The details pursuant to condition 1 shall include a layout that would enable the provision of two links up to the immediate boundary to the land to the west, granted planning permission MA/13/1149, as shown on submitted drawing RD1557_PP_100 Rev. R and the indicative masterplan. Construction of the following shall occur prior to the occupation of that relevant phase of development.

a) a vehicular road to allow bus movements, pedestrian and cycle access up to the immediate boundary of the site;

b) A pedestrian and cycle route up to the immediate boundary of the site;

All other phases shall comprehensively link in to these routes

At no time shall development take place that would preclude this

accesses being provided up to the immediate boundary of the site.

Reason: In the interests of permeability and good design.

BUILDING HEIGHTS

39. No building within any p shall exceed the height specified for buildings within that plot as set out in the drawing number submitted RD1557_PP_103Rev. N.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

ADHERENCE TO ENVIRONMENTAL STATEMENT

40. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

APPROVED DRAWINGS

41. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: RD 1557_PP_100 Rev R ; RD1557_PP_101 Rev R ; RD1557_PP_102 Rev M; RD1557_PP_103 Rev N : RD1557_PP_104 Rev M;

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

PROVISION OF ACCESS ROAD

42. There shall be no occupation of the development hereby permitted until the provision of a new access from the Sutton Road (A274) as shown as Drawing Number RD1557_PP_101 Rev R alongside bus strategy to serve early phases and the bus only access shall be provided in accordance with condition 23 above.

Reason: In the interests of highway safety and to promote public transport use.

PUBLIC ACCESS TO OPEN SPACE

43. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected, unless otherwise agreed in writing by the Local Planning Authority, to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

CRIME PREVENTATION

44. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention.

45. A Design Principles Statement shall be submitted and approved by the Local Planning Authority. No construction of the development hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design.

AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation)

46. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include:

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.
- The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

- No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. [The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.*]

Reason: To ensure the impact of the proposal upon air quality is mitigated.

RETENTION OF PUBLIC OPEN SPACE

47. The public open space hereby approved shall be retained as such in perpetuity.

Reason: In order to safeguard the open space provided by the development.

NO DEVELOPMENT EAST OF PROW 369

48. No built development is permitted east of the Public Right of Way 369.

Reason: In order to mitigate the visual impact of the proposal and ensure it accords with the H1 (10) policy designation.

INFORMATIVES:

49. Construction

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

50. Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

51. Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

52. Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

53. Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

Case Officer: Tim Chapman

REPORT SUMMARY

REFERENCE NO: 15/509015/OUT			
APPLICATION PROPOSAL: Outline planning application for a residential development together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (crèche/day centre/ day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha of land for primary education (use class D1), public open space in the form of natural green space, play facilities and informal open space together with landscaping, parking footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.			
Please note that while the number of units has not been specified in the description of development, the indicative figure is 800.			
ADDRESS: Land to the South of Sutton Road, Maidstone, Kent			
RECOMMENDATION: Delegated powers be given to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions.			
(see section 9 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION			
The development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted draft of the Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none">• Departure from the Development Plan• Objection from Parish Council			
WARD Sutton Vallance and Langel; Parkwood		PARISH/TOWN COUNCIL Langley	APPLICANT: Countryside Properties (Ltd) AGENT: DHA Planning
DECISION DUE DATE: 30/6/16		PUBLICITY EXPIRY DATE 13/6/16	OFFICER SITE VISIT DATE 23 rd November 2015
RELEVANT PLANNING HISTORY			
App No 14/503710/PA MEET	Proposal EIA Scoping Opinion - Development of Approximately 950 dwellings and a two form entry primary school	Decision Environmental Statement required	Date 17-7-15
90/2009	Langley Park Driving Range Sutton Road Change of use to 9-hole 3-par golf course. .	Refused	26.04.1996
94/0010	Langley Park Driving Range	Permitted	14.02.1994

	Sutton Road Variation of condition 03 of MA/89/0919 to allow retention of works/improvements to access.		
92/0591	Langley Park Driving Range Sutton Road Variation of conditions (ix) and (xi) of MA/89/0919E and variation of condition (ii) of MA/90/1551E to allow the golf driving range and associated floodlighting to be used by the public to 10pm. on any day. .	Permitted	16.07.1992
89/0919	`Langley Park Farm' Sutton Road Change of use to golf driving range and erection of covered area shop and clubroom.	Permitted	16-11/1989

MAIN REPORT

Members resolved to defer the application from Planning Committee on 7th July 2016 for further information to be provided on matters relating to highways and air quality issues. This version of the report consolidates the previous Urgent Updates where they alter the text of the main report. For ease of recognition, these alterations are highlighted in **bold and underlined**. Matters which have been the subject of Urgent Updates but do not alter the text of the original report are included as Appendix B. An additional Urgent Update report will be produced providing the information requested.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is approximately 47.1 hectares, with a net developable area of 26.6 hectares. The site is situated to the south of A274 Sutton Road, to the east of Parkwood Industrial Estate, located within the Parish of Langley, on the south eastern edge of Maidstone. The application site is a draft allocation within the Submission Version of the draft Maidstone Borough Local Plan (2016) ("draft MBLP") which has recently been submitted to the Secretary of State for review. Full details of the requirements of this draft policy are set out later within this report.
- 1.02 The application site can be segregated into four distinct parts - the north western area of the site currently contains the golf driving range with an agricultural field forming the south west part of the site. The land within the central part of the site is utilised by Rumwood Nurseries with trees and shrubs currently being grown within the site. The southern area of the site bounds a small cluster of houses, including a Grade II listed building, and an oast house. The eastern parcel of land is more open and is currently used for agricultural purposes.
- 1.03 In terms of topography the land is relatively flat along the eastern portion (although the land falls away to the south) however, as one moves eastwards, the land falls as it heads towards Langley. This area of the site is the most exposed visually, and contains important long distance views across to the church which lies to the south east of the application site. This church, a Grade II* listed structure is considered to be of significant importance within the locality.

- 1.04 Much of the site is extensively farmed at present as part of a nursery, and as such there are a number of relatively mature trees for sale within the site which would be removed prior to any development taking place. Within the grounds of the nursery is a large utilitarian structure which is used as part of the business premises.
- 1.05 An existing barn within the south-eastern parcel of the site is to be retained as part of this proposal, as it is currently in use.
- 1.06 The golf driving range contains a single storey structure which effectively runs as a small clubhouse, as well as a structure that is used by those practising. Beyond this, the land is manicured as one would expect, and is surrounded by dense vegetation. The driving range is lit at night when required.
- 1.07 The site is located to the south of the A274 which is a well trafficked route into the centre of Maidstone, and serves the outlying villages of Headcorn and Sutton Valance, as well as larger towns such as Tenterden further afield.
- 1.08 To the north of the site are a number of terraced properties that front onto the northern side of the A274 Sutton Road. Immediately to the west of the site is the Langley Park residential development – which has planning permission (ref: MA/13/1149) for a mixed use residential development – of up to 600 dwellings, with associated local centre comprising a convenience store, retail/commercial units and public house; a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping. The first phase of development to the north adjacent to Sutton Road is under construction, and phase two has recently been permitted.
- 1.09 To the south of the site is a small cluster of housing that contains a listed dwelling (Grade II) as well as a number of properties that whilst not listed, are of some merit. These properties are set out within a fairly linear manner along a private road. Access to these properties is provided via an access road that also serves the golf driving range. Beyond these properties the land falls away to Langley Loch.
- 1.10 To the east of the site lies agricultural fields, together with a small cluster of houses that site upon the A274. The listed Grade II* Langley Church takes a prominent position on the southern side of the A274, and is nestled within the valley.

2.0 PROPOSAL

- 2.01 This is an outline planning application with all matters reserved aside from access at this point in time. The application is accompanied by an Environmental Statement and has been advertised accordingly as EIA development.
- 2.02 The proposed development is for a primarily residential scheme, with the provision of a new 1FE primary school (with flexibility to upgrade to a 2FE should this prove necessary), village centre and open space provision. Illustrative masterplans, and parameter plans have been submitted with the application which align with the Environmental Statement. 30% on-site affordable housing is proposed.
- 2.03 The original proposal included the following elements:
 - a) An eastern all-vehicle access, via a new roundabout, onto the A274;
 - b) A hamlet of housing adjoining this eastern access;
 - c) The location of a 1FE primary school adjoining this eastern access.

- 2.04 Following consultation responses, most notably from Historic England and MBC's Conservation Officer as well as Highways England, amendments to the above elements were sought and the following changes were made:
- a) Replacement of eastern all-vehicle access with a bus-only single track road;
 - b) Replacement of proposed eastern roundabout with a simple 'T' junction access to the A274;
 - c) Removal of eastern hamlet and 1FE primary school adjoining the eastern access;
 - d) The provision of the 1FE primary school within the centre of the proposal, to the north of the Langley Park House hamlet;
 - e) The expansion of proposed housing east of PROW KH364.
 - f) Proposed signalisation of Junction 7 of the M20.

The amended Heads of Terms covering Section 106 contributions are listed **at the conclusion of this report.**

- 2.05 The proposal includes the provision of a roundabout access onto the A274 along the northern edge of the application site. This roundabout would be the sole means of vehicular access, although it is also proposed that a bus link be provided to the east of the site,. Pedestrian links are also proposed to the west, and the south east of the site, linking in with the existing public footpaths. The existing houses forming a small hamlet including Langley Park Farm would continue to be accessed via a private road running north west to join Sutton Road.
- 2.06 The indicative masterplan submitted shows the consolidation of the majority of the housing within the two western most parcels of land, although there remains a small element of housing protruding into the eastern field – which policy OS1 of the draft local plan seeks to retain as open space. These houses are shown as low density, and to be of no more than two and a half storeys in height.
- 2.07 Internally the plans show (indicatively) a variety of densities and building heights, with the most dense elements being located centrally, feathering out to the edge. These densities range from 40dph to 25dph depending upon the location.
- 2.08 It is proposed that a 'village centre' be provided within the development. The application seeks flexibility in terms of uses, to allow for retail, health, pub/restaurants, community uses within the centre. Illustratively, this has been shown as an area within the centre of the site, located upon the main access into it. Following revisions, the primary school is proposed to adjoin the village centre.
- 2.09 The application is accompanied by a Transport Assessment which highlights a number of junction improvements that would be necessary should this application be approved. It is proposed that these enhancements be funded in part by this development – together with others within the locality.
- 2.10 The proposal suggests that there would be a significant area set aside for open space within the eastern parcel of the site with much of this proposed as wetlands, which forms part of the overarching drainage strategy for the site (being the lowest part). The proposal also shows a significant set back from the A274 (approximately 30metres) which would be set aside for soft landscaping provision.
- 2.11 Draft Heads of Terms have also been submitted which address the potential financial contributions that may be required.

3.0 PLANNING HISTORY/BACKGROUND INFORMATION

- 3.01 There is no relevant planning application history to this particular proposal.
- 3.02 The Council have, however, proposed this site for housing allocation and it has been included within the draft MBLP. The allocation has been subject to consultation and significant debate through the Local Plan process and its inclusion was ratified by Full Council earlier this year. The relevant Submission draft Local Plan policy is listed below:

Policy H1 (10)

South of Sutton Road, Langley

South of Sutton Road, as shown on the policies map, is allocated for development of approximately 800 dwellings at an average density of 24 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

- 1. The majority of the natural/semi-natural open space required by criterion 1 above shall be provided on that part of the site lying to the east of PROW KH364. This area shall also incorporate SuDS surface water drainage mitigation.*
- 2. The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance, with particular emphasis on the Loose Stream/Langley Loch and Langley Church and other heritage assets adjacent to the site.*
- 3. The proposals will be designed and laid-out to provide an appropriate and strong visual relationship between the new development and the hamlet of Langley Park, whilst preserving the setting of the existing listed buildings and protecting the amenity and privacy of existing residential properties.*
- 4. Development should be sited in order to preserve or enhance the setting of the listed buildings surrounding the site.*
- 5. A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park.*
- 6. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials.*

Access

- 7. Primary access will be taken from the A274 Sutton Road.*
- 8. Secondary access will be taken through site H1(5) Langley Park subject to agreement with the Highways Authority and Borough Council.*
- 9. A separate cycle and pedestrian access will be provided to site H1(5) Langley Park subject to agreement with the Highways Authority and Borough Council.*

Noise

- 10. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the A274 Sutton Road.*

Air quality

- 11. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

Drainage

12. *Development proposals will demonstrate that any necessary new or improved foul and surface water including SuDS drainage infrastructure required to serve the development to ensure no increased risk of flooding off-site, will be delivered in parallel with the development, in consultation with Southern Water and the Environment Agency.*
13. *The provision of appropriate contributions as proven necessary will be sought for the improvement of flood mitigation impacting this site.*

Open space

14. *Provision of 14ha of natural/semi-natural open space in accordance with policy OS1(3) together with any additional on-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*
15. *The development will provide for a primary school within the developable area of the site, the details of which shall be agreed with the local education authority.*

Highways and transportation

16. *Provision of a new footway on the northern side of Sutton Road.*
17. *The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.*

Strategic highways and transportation

18. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
19. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
20. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
21. *Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.*
22. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.*

4.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: policies ENV6, ENV21, ENV28, ENV32, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Submission Draft Maidstone Borough Local Plan 2016: policies SS1, SP3, SP5, SP17, H1(9), H1 (7), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1

5.0 LOCAL REPRESENTATIONS

5.01 Approximately 180 representations have been received raising the following main (summarised) points:

- The proposal would erode the open countryside;
- The proposal would result in unacceptable congestion;
- Loss of prime agricultural land;
- The site is remote from any railway station;
- There are insufficient doctors surgeries within the locality;
- Increased flood risk;
- It is contrary to the 2005 Langley Parish Plan;
- There is already an oversupply of housing within the locality;
- The proposal would come forward before any necessary infrastructure would be provided;
- The impact upon the sewerage system.

5.02 **(Neighbouring) Boughton Monchelsea Parish Council:** 'The Parish Council would like to comment on the additional / amended information relating to the above planning application, as follows: Whilst the new information addresses some of our minor concerns with the application, such as protecting building in the valley area and the Langley Church environs, it fails to respond to the major issues cited in our original request for the application to be refused. We wish to reiterate our original concerns with regard to anti-coalescence, sustainability and the huge impact the developments would have on the existing inadequate road network and infrastructure in the south east of Maidstone. In addition, our concerns regarding flooding downstream of the development have not been addressed.

In summary, the revised information that has been submitted by the applicant is merely 'tinkering at the edges' and has not addressed our major issues of concern at all. As advised previously, the Parish Council wish to see the application refused and I have attached a copy of our original detailed response, for your information.'

Previously, the Parish Council had recommended that the application be refused on the following grounds:

- The impact upon the highway network and local infrastructure;
- The potential impact upon flood risk;
- The impact upon sewerage and surface water run off;
- Insufficient time to consider this proposal;
- Developments in the south east of Maidstone coming together in a piecemeal fashion;
- The proposal would have an impact with regards to coalescence;
- There should be better liaison between Maidstone Borough Council and other local authorities to provide a more comprehensive housing strategy;
- The impact of the proposal upon the nearby heritage assets;
- There was insufficient public consultation.

5.03 **(Neighbouring) Chart Sutton Parish Council:** Wish to see the application refused on the basis that there is insufficient infrastructure within the locality.

5.04 **(Borough) Cllr Stockell:** Raised concerns that the application was submitted in outline form.

6.0 CONSULTATIONS

6.01 **Langley Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee. These matters have been raised under a series of detailed letters and submissions:

- The proposal would have a detrimental impact upon the highway network. The Parish Council refer to the recent appeal decision within Boughton Lane which identified the impact upon the highway network as severe.
- The proposal is contrary to Policy ENV32 of the Local Plan. Again, reference is made to the recent appeal decision at Boughton Lane.
- The Parish Council do not believe that there is a requirement for a new primary school within the area.
- Housing is still proposed to encroach into an area identified as being suitable for open space.
- The proposal would detrimentally impact the setting of St Marys Church.
- The proposal would result in a coalescence of Maidstone and Langley.
- The proposal would harm the rural character of the area.
- The Parish Council are concerned that the proposal would be of a higher density than suggested.
- It is requested that the application specify the maximum number of dwellings proposed.
- The proposal is contrary to the Council's strategy of dispersed development.
- The site is unsustainable.

6.02 **MBC Housing Officer:** No objections. 30% affordable housing is acceptable.

6.03 **MKIP Environmental Health Officer:** No objections subject to the imposition of conditions relating to noise and air quality.

6.04 **MBC Parks & Leisure:** Suggested in-lieu payments towards off-site open space.

6.05 **MBC Landscape Officer:**

Having reviewed section 11 of the Environmental Statement Addendum, March 2016, received on 21/03/16, concerning landscape and visual effects I would add the following comments:

- *Paragraph 11.4.2 refers to part of the Maidstone Landscape Capacity Study in the context of the relevant site specific assessment but does not refer to the sensitivity assessment for the landscape character area. It should be noted that the site specific assessment relates to the capacity of the site to accommodate solely housing development.*
- *Paragraph 11.4.84 assumes that the existing landscape character and visual amenity will decline in the future due to the absence of regular management. There is no justification for this view given that any landowner has a duty of care to maintain their trees in a safe condition. All trees that haven't reached maturity will continue to grow but this certainly doesn't predicate instability.*
- *Paragraph 11.5.2 indicates the number of trees that are likely to be removed but clearly this will be subject to the detailed layout. I would add though that, of the U*

category trees on site, only a small proportion are proposed to be removed. BS5837: 2012 considers these trees as being in such a condition that they cannot be realistically retained as living trees with decline/early loss expected and a life span of no longer than 10 years. It would therefore be preferable for the detailed scheme to consider the removal of most of these trees, either on a phased basis as part of a long term management plan or as part of the initial vegetation clearance phase with sufficient replanting in the overall scheme to mitigate their loss. In any case, a long term landscape management plan will be required which addresses the need for succession planting.

- *Despite my comments, the landscape and visual effects statement broadly follows the principles of current guidelines for landscape and visual impact assessment, GLVIA 3, and I therefore raise no objection on that basis.*

6.06 **MBC Conservation Officer (22 January 2016):** Initial comments raised an objection to the proposal on the following grounds:

'I object to this application on heritage grounds in respect of the setting of St. Mary's Church for reasons as detailed above based on the illustrative layout provided.'

6.07 Subsequent to this response, amended plans were submitted and the Conservation officer has withdrawn his objection, on the basis that he considered there is now less than significant harm.

6.08 **MBC Spatial Policy Officer (22 January 2016):** *'It is considered that the contribution that development of the site would make to housing land supply and in terms of the economic and social roles of the planning balance would be significant. This does need however to be set against the need to consider the environmental impact of the development. It is considered that given the comments of Historic England and the Council's Landscape Officer and also the requirements of MBWLP 2000 policy ENV32, the elements of built development including the design and alignment of the proposed site access road east of PROW KH364 need to be carefully considered and changes to the layout potentially considered. Subject to the above being considered and addressed no policy objections are raised to the proposals.'*

6.09 **KCC Development Contributions:** Object to the provision of a new school within the location shown. KCC state:

'Within the design of any new primary school, including one which is being provided to serve a new development such as this, provision for parking and drop off is required. Para 4.1.5 (page 15) of the Addendum to Planning Statement states:

"We are mindful that there is a likelihood that some car parking would be required, and the layout that has been designed would allow for such a provision if necessary, but in a sympathetic manner."

Although the detailed configuration of any school would be a matter for later consideration, it is necessary now to ensure that no impediments are imposed which would prevent the proper detailed design of the school. The County Council therefore confirms that parking and drop off provision will be required for the new primary school. This should be provided within the site area of the school and appropriate highways access should be provided by the applicant. As well as a relocation of the school site within the proposed development, the amended plan (RD155_PP_100 dated 3/3/16) now shows the land allocated for a school broken up into three parcels. A central rectangular parcel is proposed for a 1FE school, with an irregular shaped parcel of land

situated immediately to the east and west labelled as 'Residential or potential area of 0.85ha for increasing primary school site to 2FE'. The overall configuration would create 'dead' spaces which would decrease the developable area of the school, creating cost and layout problems. An expansion of an established 1FE school site with land on both the eastern and western boundaries as is proposed, would severely limit the design of the school building and add significant cost to the process when compared to a site expansion on just one boundary.

The County Council has made clear in its responses to both this application and the site's proposed allocation in the emerging Maidstone Borough Local Plan, that regardless of whether the proposed development generates one or two forms of pupil entry, a site of 2.05 ha is required. This request is made of every development site providing school land in Kent and is no different to other sites within the Maidstone Borough such as Langley Park or East of Hermitage Lane.

The request is in line with the County Council's statutory role as Local Education Authority to secure sufficient provision for an area. Whilst the second FE is not currently forecast to be required in the next five years (subject to a final mix from the applicant), over the longer term there are a number of factors which could trigger the requirement for additional pupil places. As stressed through the Local Plan process, the support of the Borough Council to ensure the provision of necessary strategic infrastructure provision alongside development is essential.

Notwithstanding the above, in recognition that the land beyond that required for a 1FE school may be in addition to that directly required by the development, the s106 could allow for the existing agricultural use value of the additional land to be paid to the landowner on transfer.

The County Council considers the amended application now presents a significantly less sustainable proposal with regards to education provision. The basis for relocation of the school site is generally understood, however there is no robust justification for the decrease in its size and detrimental reconfiguration. Therefore the proposal is not consistent with national policy. Paragraph 72 of the Framework states:

*"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. **Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:***

- **give great weight to the need to create, expand or alter schools;** and*
- **work with schools promoters to identify and resolve key planning issues before applications are submitted"***

*[My **emphasis** added]*

*It is acknowledged by the County Council – as Local Education Authority – that whilst the applicant has confirmed in broad terms the intent to fund a required primary school and provide land for its construction, the alterations proposed in the additional information and amended plans mean that **an objection is now raised.**'*

Should the development be assessed to produce 210 or fewer pupils then KCC would require a sum of £4.5 million towards the construction of a 1FE school and should the

development be assessed to produce more than could be accommodated within a 1FE school then the cost of constructing a 2FE school at £6 million is requested. In both cases 2.05ha of land is required to be transferred at nil consideration.” The Draft Heads of Terms March 2016 submitted by the applicant indicates a financial contribution of £5,625 per dwelling towards the required primary school. I reiterate that this assumes the proposed development will generate a 1FE requirement and should it generate a 2FE requirement this figure will be increased.

6.10 In addition to these comments, the County Council have also requested that the following contributions be made

- Library Bookstock £48.02 per household, equating to £38,416
- Community Learning £30.70 per household, equating to £24,560
- dwelling
- Youth Service £8.49 per dwelling equating to £6,792
- Social Care £53.88 per household equating to 43,104
- Delivery of 16 Wheelchair Accessible Homes (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care.
- Towards secondary education: £11,799 per pupil generated by this proposal, which would equate to £1,887,840.

6.11 **KCC Highways:** Object to the proposal on the severe impact that the development would have upon congestion. The comments below represent the County Council's summary of the highway objection.

‘The amendments to the planning application have resulted in a reduced residential component and a modified access strategy. The submitted Transport Assessment Addendum April 2016 has presented the recalculated trip generation forecasts and updated capacity modelling analysis, alongside further elaboration on the applied methodology and mitigation of impact proposals.

The findings are consistent with the original Transport Assessment³ in how they demonstrate the severe extent of congestion prevalent on the network, with extensive queuing and delays on the A229 and A274. KCC Highways does not regard any worsening of the extensive queuing and delays to be acceptable in the absence of effective measures that are supported by categorical evidence to demonstrate how the full impact of the additional development traffic will be mitigated. This accounts for the potential consequential effects of congestion on road users and local residents.

The residual traffic impact generated by the proposed development would result in an unacceptable worsening of conditions for road users and local residents which is likely to result in the increased use of minor roads as alternative routes, for which no mitigation is proposed.

The objection to the planning application must therefore be maintained due to the resulting severe worsening of congestion and associated consequential effects along the A229 and A274 corridors, and in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated.

In the event that Maidstone Borough Council is minded to grant planning approval against the advice from the Local Highway Authority, and in the absence of an agreed strategic transport strategy, KCC Highways would seek agreement with the Borough Council on the use of monies equivalent to the value of the proposed highway works.’

- 6.12 **KCC Growth, Environment and Transport:** The planning system is plan-led. This is the first core planning principle in the Framework (paragraph 17). The position of the County Council - as Local Highway Authority - on further development (planned or speculative) at the south eastern periphery of the Maidstone built up area has been well established in the representations made by the Authority on the emerging Local Plan.

Therefore the County Council considers that the proposed scheme seeks to pre determine critical decisions on the future spatial distribution of growth in the Maidstone Borough, wholly undermining a plan led approach to meeting the long term development and infrastructure needs. This exacerbates the implications of the current piecemeal approach to development in this part of the Maidstone Borough and the associated detrimental impact this has on the sustainable provision of necessary strategic infrastructure.

Overall, following the careful consideration of the additional information and amended plans submitted, it remains the position of the County Council that the adverse impacts of granting planning permission would continue to significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

Planning permission **should not be granted** by the Borough Council.

- 6.13 **Highways England:** *'We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario.'*

We do not agree with the analysis within section 1.17.10, as the ARCADY modelling results show the proposed development would increase the queue on the M20 Westbound off slip which is already predicted to extend onto the Lane 1 (as detailed in 1.7.7). Any extension of a queue onto the carriageway would result in a severe impact in terms of highway safety.

In the absence of any timescales for the development of the Medical Campus M20 Junction 7 mitigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place'

- 6.14 **KCC Ecology:** Some concern about reptile and bat surveys but assuming those are clarified the identification of ecological impacts in the ES seems adequate. Approaches to mitigating the identified impacts are outlined and these seem broadly appropriate, such that, assuming the above points are adequately addressed, we would be able to recommend that the detailed mitigation strategy could be secured by condition, if planning permission is granted. No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy, construction environmental management plan, and enhancements.
- 6.15 **KCC Flood Team (Lead Local Flood Authority):** Originally objected to lack of levels and embankment information for the large attenuation /wetland in the eastern area of

the site, but this has now been resolved following the submission of additional material. Suggest a condition regarding provision of further details of an overall site-wide drainage strategy

- 6.16 **KCC Heritage:** Raise no objections and make the following comments:

'On the basis of present information I consider the archaeological assessment for this outline application has been reasonable although the fieldwork has been targeted and minimal. There would be a need to undertake more robust and widespread archaeological evaluation of the site prior to any detailed design scheme being agreed. On the basis of the heritage assessment so far, there are no indications of widespread, significant archaeology on the site and as such archaeology can be addressed through condition.'

- 6.16 **KCC Archaeology** had the following comment on the original proposal.

- There is a need for more detailed and robust assessment of the historic buildings forming the Langley Park Farmhouse complex;
- Mitigation for Langley Park Farmhouse needs to be improved

On the basis of present information I consider the archaeological assessment for this outline application has been reasonable although the fieldwork has been targeted and minimal. There would be a need to undertake more robust and widespread archaeological evaluation of the site prior to any detailed design scheme being agreed. On the basis of the heritage assessment so far, there are no indications of widespread, significant archaeology on the site and as such archaeology can be addressed through condition

- 6.17 **Natural England:** No objections. 'Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.'

- 6.18 **UK Power Networks:** No objections.

- 6.19 **NHS:** Awaiting comments on the current application. On previous EIA scoping assessment, £800,000 towards local health care was requested.

- 6.20 **Environment Agency:** No objections subject to the imposition of suitable conditions which address the remediation strategy/contamination.

- 6.21 **Historic England:** *'We are grateful to the applicant for giving such careful consideration to heritage matters in this case and welcome the revisions to the scheme that have addressed each of the issues raised by my previous letter of 17 December 2015. Most notable of these changes shown on the illustrative masterplan is development now confined to the western half of the site. The omission of housing and the school from along the eastern boundary of the site avoids the harm to the significance of the grade II' listed church of St Mary described in my previous letter. We hope that the potential this amendment provides for reinforcing the characteristic long, uninterrupted views of the spire from the north can also now be exploited when it comes to applications for reserved matters.'*

My previous concern about the erosion of the rural character in the church's setting can now be avoided, and in fact the indicative masterplan suggests enhancements to the existing landscape that have the potential to improve the setting of the church, providing that this issue continues to be given proper consideration and the applicant

employs the same calibre of heritage and landscaping expertise at the reserved matters stage. The treatment of the proposed busway will be crucial to avoiding this erosion of character, and the objective should be for this to look as much as possible like a rural lane cut into the landscape, and thus largely hidden from distance. The indicative sketches of the busway give us confidence that this can be achieved, but you should give particular attention to ensuring that this concept does not become diluted through the application of standard highway design. We are delighted that the previously proposed roundabout on the eastern stretch of Sutton Road has now been omitted. We are no longer concerned either about impacts on the setting of Langley Park Farm.

On the basis of a package of positive amendments made to the scheme Historic England is now content for planning permission to be granted.'

- 6.22 **Southern Water:** Raise no objections to this proposal and request that should this application received planning approval, the following conditions should be imposed:

'Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.'

- 6.23 **Southern Gas Networks:** No objections.

- 6.24 **Kent Police:** Recommend condition regarding crime prevention.

- 6.25 **Kent Wildlife Trust:** Object to the application on the basis of insufficient information being provided, and the loss of high quality agricultural land.

- 6.26 **Sport England:** Object on a non-statutory basis to the application on the basis of insufficient sports provision being made and loss of existing golf driving range.

- 6.27 **Arriva** (local bus company): support the proposal in the following respects:
a) provision of bus-only route from the east;
b) provision of five-year subsidy from the development for improvements to existing buses (the 82);

Arriva suggests that provision of a bus route from the site into the Langley Park housing scheme to the west would be beneficial. In addition, turning facilities are requested at the Eastern end of the bus-only road, and a time limited free bus pass for new residents is suggested to encourage habit forming public transport use.

"There is an opportunity to positively influence people's modal choice by making bus services as attractive as possible to new developments thus reducing the impact of extra vehicular traffic generated by the developments.

The changes we have suggested are an attempt to achieve that without adversely affecting other modes.

Notwithstanding any mitigation measures, the opportunity to upgrade the A274 for bus services must not be lost and we are pleased to know that Maidstone Borough Council are, in principle, supportive of maximising the benefit that good quality bus services can bring to the transport mix in this often congested area.

Fortunately, the A274 towards Maidstone between Wallis Avenue and the Wheatsheaf has some generous borders which give the opportunity to create some infrastructure improvements by reducing the variability of bus journey times and making the bus stop waiting environment more pleasant."

6.28 The Council's design advisors, **Design South East** have considered the proposal on a number of occasions and had the following comments when they last considered the proposal on 31st March.

- The site analysis is considered and clear.
- The strong connections to the existing landscape are to be commended.
- The increased buffer on listed buildings that has been proposed in the amended scheme should be commended.
- The placing of the primary school at the centre of the scheme is commended. Is there potential for the school playing field to be used by the community in the summer? Could there be a connection between the village green and school playing field?
- The scheme would be improved by an additional connection to Langley Park.
- The village green is small but is balanced by the uplift in space created by the common/heath.
- The central access to the development does not seem a significant enough piece of infrastructure for a proposal of this size.
- Greater clarity is needed on the access arrangements of the existing private road.

6.29 The Council's Park's Department commented as follows:

The proposal provides in excess of the minimum requirement of onsite open space as a whole. It proposes a LEAP in a central location on the site. There are however shortfalls in various categories, including allotments, sports pitches or recreations areas for different ages.

In order to cover the shortfall in terms of outdoor sports facilities and other open space, in line with MDLP Policy DM22 I would suggest that a financial contribution is sought towards existing off-site facilities, namely at Senacre Recreation ground.

6.30 The Department for Communities and Local Government (DCLG) were consulted on the application on the basis of the Environmental Statement and made no comment.

7.0 APPRAISAL

Local planning policies – weight

7.01 Paragraph 215 of the NPPF states that, *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

7.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet

objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

7.03 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

7.04 Paragraph 216 of the NPPF states that,

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

7.05 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."

7.06 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(10) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(10) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

Principle of Development

7.08 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

7.09 The application site is to the east of the defined settlement boundary of Maidstone. It is therefore upon land defined in the adopted Local Plan as countryside.

7.10 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

7.11 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the adopted Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case. ENV32 anti-coalescence policy seeks to restrict development in South East Maidstone

7.12 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(10) which allocates the site for housing of approximately 800 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.

7.13 It is necessary therefore to consider three main issues in relation to the proposals.

- 1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policies ENV28 and ENV32;
- 2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;

3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 and ENV32 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(10)). Accordingly, for the purposes of these applications only and in this specific respect, the application's non-compliance with saved policy ENV28 should be accorded limited weight in the determination of the application.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 9.05.

- 7.14 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"

- 7.15 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.
- 7.16 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.17 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The

monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 7.18 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(10) of the emerging plan for development of approximately 800 dwellings and sets out the criteria to be met whereby planning permission would be granted.
- 7.19 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 7.20 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

Environmental Statement

- 7.21 Under EIA Regulations an Environmental Statement was submitted as part of the application material. Under Regulation 22 this was revised as part of the amendments to the proposals, namely:
- On-site revision listed in section 2.03;
 - Off-site provision off mitigation to Junction 7 of the M20.

I have been provided with all the additional information I require in line with the regulations and I consider it to be adequate.

Design Quality

- 7.22 The proposal, as far as is definable given its outline status, is considered to be of high quality with an attractive indicative masterplan layout. The layout consists of a clear permeable street hierarchy centred on a mixed use hub including a primary school, community and commercial uses with direct and attractive public transport access. It includes a variety of green and public spaces, including orchards, a village green, heavily wooded areas, play areas and more informal open spaces, as well as the natural and semi natural open space forming the eastern third of the site, and providing sufficient buffers to elements requiring protection, such as the Langley Park Farm hamlet at the south of the site.
- 7.23 Officers have been successful in negotiating a range of improvements to the proposal including:
- Removal of the proposed eastern hamlet and primary school adjoining Langley;
 - Integration of the Primary school into the heart of the development;
 - Provision of landscape buffers to Langley Park Farm.

- 7.24 Design quality would be ensured through the use of a planning condition to define design parameters prior to the acceptance of more detailed reserved matter applications.

Provision of educational facilities

- 7.25 The proposal provides a 1FE primary school plus an additional area for expansion should a 2FE school be required in the future. KCC's objection appears to be largely that the implementation of the additional form of entry, potentially expanding both east and west of the original 1FE school would be a more costly process than restricting expansion to one side of the 1FE school. I consider that safeguarding of land for future school expansion can be appropriately using S106 agreement to ensure a defined piece of land is retained.

Affordable Housing

- 7.26 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Policy DM13 of the emerging Regulation 19 stage Local Plan sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by Policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites set out in Policies H1(5) to H1(10). As such, as the site is an allocated housing site (Policy H1(10)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.
- 7.27 It is acknowledged that policies contained within the Submission Version of the Local Plan do not carry full weight at this stage but carry significant weight in the determination of this application. The Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.28 As such, it is considered appropriate timing wise to apply the emerging plan policies to this allocated housing site which would bring forward earlier than anticipated, the implementation of a strategic housing site which would provide a significant proportion of the Council's strategic 5 year housing supply. Whilst a departure from the Development Plan, I am of the view that in this instance there are material considerations that indicate that a 30% affordable housing provision is acceptable in the circumstances.

Visual /Landscape Impact

- 7.29 The indicative masterplan approach is set out as part of the application material. This lays out a scheme which is designed sensitively to accord with the existing landscape and context. The site lies on a south facing slope of the Loose valley which is contained by topography and vegetation immediately on its north and west boundaries. Greensand ridges contain the valley to the east and south with Abbey Wood forming the horizon to the east at around 1km and the greensand ridge at Chart Sutton some 1.2km to the south forming the southern horizon.

7.30 Visibility varies across the site due to local vegetation and topography :

- the northwestern and northern parts of the site are not exposed to any sensitive viewpoints;
- the southwestern part of the site is partially screened from views from the south, by an incomplete shelterbelt along the southern boundary. The southwestern edge is visible from a limited stretch of the public footpath along the Loose valley and from farmland immediately to the south;
- The most visible part of the site is to the east of Langley Park Farm which can be seen from parts of Sutton Road, from the public footpath along the valley and from the public footpath that crosses the farmland to the south as far as Plough Wents Road. The eastern slopes however lie below the skyline formed by the ridge and shelterbelts that lie immediately to the north of the site.

7.31 Landscaping principles include:

- retain landscape features characteristic of the fruitbelt such as shelterbelts, hedges and parkland trees
- remove uncharacteristic detractors such as tall conifer hedges
- enhance connections to Loose stream and Langley Loch wetland and stream valley green/blue infrastructure
- reflect transition from urban to rural landscape in character of proposed settlement (from north and west to east and south) – to be reflected in densities, scale, form and character of development
- provide appropriate open space character and planting along Sutton Road frontage to reflect character transition from urban to rural

7.32 Visual context – principles

- retain western shelterbelt between site and Taylor Wimpey development to west for separation and backdrop
- ensure south western parcels are broken up with planting and open space, and building profiles are fragmented along the southern edge to retain rural character of Loose valley and reduce visual prominence
- retain and enhance vegetation against north edge of Langley Park Farm to provide separation and respect setting
- provide screening and open space buffer along Sutton Road to enhance setting for development and reinforce visual backdrop along ridge
- retain view cones to St Mary's church spire from eastern parts of site especially the higher parts of the ridge
- fragment development within substantial tracts of open space within eastern parts of site to reflect urban/rural transition and character of adjacent land and to reduce visual prominence
- retain and enhance Loose valley wetland character and setting for St Mary's church
- enhance blue/green infrastructure links to Loose valley
- the new single track bus way is integrated into the open space to minimise its landscape impact.

- 7.33 The eastern third, proposed to be public open space, with wetlands to the south, is the most open to external views. The setting and outlook of the listed building on site are not adversely affected.
- 7.34 While the proposal will change the character of the site from urban fringe including rural and agricultural to one that is more residential and suburban, its visual impact on the wider area will be limited.
- 7.35 In proposing an element of housing, estimated at 43 units, east of the PROW KH364, the proposal contravenes the H1(10) allocation, which suggested all of the site east of that point should be open space. The housing at this point is proposed to be at a lower density (25-30 dph) than the rest of the scheme, and at up to 2.5 storeys/11 metres, lower in height than the rest of the proposed housing. Such an element is designed to form a 'feathered edge' to the rural eastern section of the site, allowing the introduction of 'green fingers' between the built elements to soften and contain the development at its eastern edge. This is considered preferable to a 'hard' edge to west of the PROW where development is proposed to be up to 3 storeys and metres high, and more in keeping with the suburban/rural edge predominating in equivalent situations in Maidstone.
- 7.36 The impacts are considered to be as follows:
- The North West area of the site is well enclosed with a substantial green buffer to proposed to the North. The main access route will provide visibility into the site, from Sutton Road. The impact on visual impact is considered moderate.
 - The south-west field is exposed to views from the south, mainly along the western part of the lip of the valley slope. The eastern part of this area is screened from the south by an existing mature tree belt. This area is considered to have a minor to moderate visual impact.
 - The nursery area to the north of Langley Park Farm is well enclosed and contained with very few views into the site being possible. A minor impact is considered here.
 - The eastern parts of the site are relatively open on the south-east facing slopes. The spire of St Mary's Church is prominent in views and there are also views from the west along the Loose valley including a view from the lip of the south-west parcel. The majority of this area is proposed to be natural and semi-natural open space and small amount of housing proposed for this area is proposed to be at a lower density than the rest of the site **and a moderate visual impact is considered here.**

In paragraph 6.05 the Landscape Officer has considered the material submitted in respect of visual impact and does not object to the proposal in respect of its visual impact. I consider that the proposal accords with clause 2 of the H1 (10) draft allocation and is acceptable in terms of visual impact.

Loss of agricultural land

- 7.37 The eastern third of the site includes approximately 18 hectares of grade 2 and grade 3a agricultural land which would be lost to agriculture should the current proposal be approved, roughly 9 hectares each. This is a material planning issue and arguably contrary to Paragraph 112 of the NPPF which seeks to focus development on poorer quality agricultural land. This should be weighed against the fact that MBC has allocated the land for residential development and natural and semi-natural open space in its draft local plan. Secondly the Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a 'saved' policy and thus no longer applies. Thirdly the benefits to wildlife and recreation of the creation of a publicly accessible natural and semi-natural open space are considered significant. Consequently, the

loss of agricultural land should not be seen as a determining factor when balanced with the benefits of the proposal, particularly in the creation of a large amount of publically accessible open space. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as a whole. It concludes that “while most of the land on the Malling social association is in the best and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it”.

- 7.38 The loss of this agricultural land is a material planning consideration that engages paragraph 112 of the NPPF which states:

“112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

- 7.39 The Sustainability Appraisal (SA) for the Submitted Draft Local Plan (February 2016) identifies the site as being grade 2 agricultural land. Within the Summary, the SA identifies the significant loss of agricultural land in all considered alternatives (relevant are paras 3.4.33 and 3.3.12, which states *“There are negative effects on land use across all of the alternatives; with a significant loss in greenfield and agricultural land.”*

- 7.40 Secondly, the adopted Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a ‘saved’ policy and thus no longer applies.

- 7.41 Taking account of all these considerations, the proposed loss of agricultural land accords with the Development Plan, there being no saved policy addressing the issue. The harm caused by the loss of agricultural land is considered to be moderate and, in acceptable in policy terms, taking proper account of paragraph 112 of the NPPG and draft MBLP policy H1(7), which allocates the site for residential development and natural and semi-natural open space.

Open Space provision and the Impact on and provision of sports and recreation facilities

- 7.42 The proposal puts forward 19.77 ha of publically accessible open space in total of which 17.85 ha would be natural green space. The site area in total is 47.31 ha and therefore public open space would make up 42% and the natural green space 38% of the overall site area. This exceeds the requirement of Policy H1(10) which requires 14 ha of natural/semi natural open space.
- 7.43 The proposal involves the loss of an existing golf driving range, to which Sport England has objected as well as a perceived lack of sporting facilities to meet the need of the proposed population. The outline planning application allows for the provision of children’s play areas, a village green, primary school playing pitches as well as extensive informal parkland and wetland environment. No publically accessible sports pitches are proposed although the out-of-hours use of the primary school pitches could be considered and a suitable condition is suggested. In this case the provision of natural and semi-natural open space has been considered to be the priority given the importance of maintaining and enhancing the rural setting to the east of the site in the context of the South Eastern Coalescence policy ENV32, the setting of St. Mary’s Church and the importance of providing suitable natural habitat for ecological purposes. It is proposed that the provision of suitable play facilities is the subject of a planning condition.

- 7.44 The objection from Sport England and the request for in-lieu payments made by the parks department are considered to be addressed as follows:

The on-site provision of public open space, including play areas and a village square, is significantly in excess of the H1(10) requirement and while the vast majority is proposed to be natural and semi-natural open space, it could be used for other recreational purposes, in line with the quantum required by Submitted Draft Local Plan Policy **DM22**. A condition regarding the provision of open space is suggested. As a consequence, the provision of off-site in-lieu payment is considered excessive.

Historic Environment

- 7.45 As mentioned by Historic England and MBC's Conservation Officer, the amended scheme addresses concerns regarding the impact on the grade II* listed St Mary's Church, and the outlook upon it is considered much improved. No adverse impact is caused to the listed building Langley Park Farm, to the South of the site, which is proposed to be protected by a landscape buffer to its north, as well as by the playground for the proposed primary school. This is considered to provide an appropriate relationship. A condition is suggested to secure that buffer. As a consequence, the proposal is considered to involve less than substantial harm to a designated heritage asset and therefore will not conflict with Paragraph 134 of the NPPF. I will apply the public benefit test in my conclusion.

The concerns of KCC Archaeology in respect of the need for more detailed and robust assessment of the historic buildings forming the Langley Park Farmhouse complex is not considered to be necessary at this stage given the outline nature of the application and Historic England's positive comments. It is therefore proposed to be covered this assessment through a reserved matter condition.

Highways Issues

- 7.46 The applicant proposes the following in relation to the relevant H1(10) Submission draft Local Plan Policy requirements:

16. Provision of a new footway on the northern side of Sutton Road

- 7.47 There is an existing, continuous footway on the northern side of Sutton Road which is provided to a reasonable standard. Furthermore, a high quality shared use route will be created across the site, set back from Sutton Road and taking advantage of the proposed area of parkland and common bisecting the site from north to south. This will have a beneficial effect on pedestrians and cyclists travelling from west to east in terms of minimising any severance effects resulting from the proposed development and enhancing amenity by enabling residents of the site, as well as the adjacent residential developments, to access the proposed primary school and village centre, Langley village and the surrounding Public Rights of Way network within a semi-rural setting away from the A274.

17. The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.

21. Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.

- 7.48 Pedestrian access to the site will be achieved via footway provision at the vehicular site accesses and enhancements to crossing facilities to the surrounding Public Rights of Way network. The crossing of Public Footpath KH369 from north to south across Sutton Road will be enhanced through the proposed reduction of the speed limit from 40mph to 30mph, as well as the installation of dropped kerbs and tactile paving. Similar improvements are proposed on Sutton Road to the south of the site, where Public Footpath KH365 crosses the A274. This latter enhancement will facilitate pedestrian trips between Langley village and the on-site services and facilities. The western site access roundabout will incorporate pedestrian crossing facilities within the splitter island on the A274 (west) arm. This will enable pedestrians and cyclists travelling to/from Maidstone to link in to the shared use route that is proposed to run along the frontage of Site H1(9) – Bicknor Farm – which will in itself connect to the pedestrian and cycle infrastructure being provided in relation to the consented development of Sites H1(6) – North of Sutton Road – and H1(7) – North of Bicknor Wood – and onwards towards Maidstone Town Centre.
- 7.49 The masterplan allows for a cycle connection to Langley Park and onwards towards Park Wood.

18. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*

- 7.50 The proposal offers proportionate financial support to the enhancement of the Route 82 service, operated by Arriva which would provide reliable and high-quality bus services between the site and Maidstone Town Centre. Maidstone Borough Council has already secured substantial contributions towards bus prioritisation measures on the A274 Sutton Road and as such, the off-site highway and transportation mitigation strategy in respect to Land South of Sutton Road has focussed on junction capacity improvements (which will also benefit bus service reliability) and the aforementioned bus service enhancements.

19. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*

20. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*

- 7.51 The Transport Assessment accompanying the planning application in respect to Land South of Sutton Road has assessed the potential impact and detrimental effects that could result from the vehicle trip generation of the proposed development, with consideration given to the other committed and proposed developments in the local area. Assessment of local junctions using industry-standard traffic capacity models has concluded that the proposed development would have a limited impact on their operational capacity in most cases. It is acknowledged, however, that mitigation would be required at the following key junctions on the local network:-

- A229 Loose Road / Armstrong Road / Park Way;
- A229 Loose Road / A274 Sutton Road / Cranborne Avenue;
- A274 Sutton Road / St Saviours Road;
- A274 Sutton Road / Wallis Avenue;
- A274 Sutton Road / Willington Street;
- A20 Ashford Road / Willington Street; and
- M20 Junction 7.

- 7.52 Upon modelling the capacity of these junctions with the proposed improvement schemes in place, it has been concluded that they would operate in a fashion that would successfully mitigate the increase in traffic from the proposed development and those other developments off Sutton Road considered in the Transport Assessment, for which Section 106 contributions for multi-modal capacity enhancements to the Sutton Road corridor have recently been secured by Maidstone Borough Council. Moreover, in most cases, a degree of planning gain would be provided by these mitigation schemes, which are considered to accord fully with the objectives of the Maidstone Integrated Transport Strategy and to which proportionate financial contributions can be made by the proposed residential developments in South East Maidstone.
- 7.53 It is proposed that the application provides the following mitigation in respect of the above:
- £1.46m for the signalisation of Junction 7 of the M20;
 - £1.08m Bus Prioritisation on A274
 - £1.435m for bus subsidy on A274.
 - Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
 - Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
 - Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).

Please note that the above contributions are subject to further negotiation and may alter.

22. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.*

- 7.54 As noted above, the applicants have discussed the potential for bus service enhancements with Arriva – the commercial operator of the high-frequency Route 82 service between Maidstone Town Centre and Park Wood Parade. The company has confirmed that it is willing in principle to extend the service to Land South of Sutton Road at a 15-20-minute daytime frequency. Arriva is also willing to investigate the upgrading of Route 82 to its high specification “Sapphire” brand, which is operated by buses equipped with free Wi-Fi, power sockets, high quality seating and audio-visual announcements. It is anticipated that the service would route direct to Maidstone Town Centre via Sutton Road, thereby offering residents of the proposed and adjacent developments with a viable and attractive alternative to car travel for journeys to and from town centre destinations.

Highways and transport mitigation - additional considerations

- 7.55 The applicant also proposes improvements to public footways, a high quality internal shared use route, an extension to the 30mph speed limit on A274, public transport improvements as well as substantial contributions to improve M20 Junction 7.

Highways and Transport mitigation conclusion

- 7.56 The approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3, which states: “*Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by*

private cars. This shift is evidenced by policy restrictions on long-term (e.g. all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space” (the Maidstone Borough-Wide Local Plan Inspector’s Report November 1999, Paragraph 6.2, Page 463).

- 7.57 KCC Highways have strongly objected to the proposal on the basis that the development would have severe impact upon traffic congestion and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.58 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all information that has been submitted by the applicant’s transport consultant DHA Transport and have considered KCC’s response in detail. Furthermore, MM have liaised with DHA Transport to clarify any outstanding matters.
- 7.59 As set out in section 6.10 of this report, the KCC response bases its objection on the “worsening of congestion and associated consequential effects along the A229 and A274 corridors”, “the absence of effective measures that are supported by categorical evidence to demonstrate how the full impact of the additional development traffic will be mitigated” and the “consequential effects of congestion on road users and local residents”.
- 7.60 The original Transport Assessment dated October 2015, subsequent Technical Notes and the Transport Assessment Addendum dated April 2016 contain detailed assessments of all the key junctions in the vicinity of the proposed site as well as towards the centre of Maidstone. Where increased delays and queuing was identified, the applicant proposes mitigation. This is the case for the following junctions:
- A229 Loose Road / Park Way / Armstrong Road
 - A229 Loose Road / A274 Sutton Road / Cranborne Avenue (Wheatsheaf Junction)
 - A274 Sutton Road / St Saviours Road
 - A274 Sutton Road / Willington Street and A274 Sutton Road / Wallis Avenue
 - A274 Sutton Road / Horseshoes Lane
 - A20 Ashford Road / Willington Street

A229 Loose Road / Park Way / Armstrong Road

- 7.61 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Relocation of the controlled pedestrian crossing from the A229 Loose Road north to the south arm of the junction;
 - Provision of a new controlled pedestrian crossing to the north of the junction, approximately at the existing pedestrian bridge, which would operate independently;
 - Installation of ‘Puffin’ technology on the relocated pedestrian crossing; and
 - Provision of separate ‘left’ and ‘ahead’ lanes on the Park way arm of the junction.
- 7.62 The results presented in the TA show the practical reserve capacity in 2029 to increase from -41.2% to -30.1% in the AM peak and -24.8% to -9.1% in the PM peak when

comparing committed development with existing junction layout and with development flows with the above mitigation.

A229 Loose Road / A274 Sutton Road / Cranborne Avenue (Wheatsheaf Junction)

- 7.63 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Installation of 'Puffin' technology on all controlled pedestrian crossings; and
 - Cranborne Avenue arm one-way only, no entry into the junction.
- 7.64 The results presented in the TA show the practical reserve capacity in 2029 to increase from -31.8% to -16.3% in the AM peak and -40.1% to -19.8% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

Please note that this junction is already fully funded, as shown in the apportionment table and therefore it is not proposed that the application contributes to it.

A274 Sutton Road / St Saviours Road

- 7.65 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Remarking of the northbound A274 nearside flare to allow left and ahead traffic use;
 - Creation of a two-to-one merge lane on the northbound A274 exit; and
 - Modifications to the A274 right turn in to St Saviour's Road.
- 7.66 The results presented in the TA show the practical reserve capacity in 2029 to reduce from -15.3% to -18.6% in the AM peak and to remain unchanged (-31.9% to -31.7%) in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A274 Sutton Road / Willington Street / Wallis Avenue

- 7.67 The modelling included in the Transport Assessment Addendum dated April 2016 is based on the following mitigation measures:
- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street;
 - The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;
 - The extension of the right-turn lane on the Willington Street arm of the A274 / Willington Street junction; and
 - The provision of a controlled pedestrian crossing on the Sutton Road (north) arm of the A274 / Wallis Avenue junction.
- 7.68 The results presented in the TA Addendum show the practical reserve capacity in 2029 to increase from -38.2% to -10.1% in the AM peak and -46.4% to -19.9% in the PM peak on Wallis Avenue and from -43.7% to -23.4% in the AM peak and -45.9% to -30.6% in the PM peak on Willington Street when comparing committed development with existing junction layout and with development flows with the above mitigation.

A274 Sutton Road / Horseshoes Lane

- 7.69 The modelling included in the Transport Assessment Addendum dated April 2016 is based on localised widening of the Horseshoes Lane arm.
- 7.70 The results presented in the TA Addendum show the RFC on Horseshoes Lane in 2029 to improve from 0.973 to 0.872 in the AM peak and from 1.104 to 0.685 in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A20 Ashford Road / Willington Street

- 7.71 The modelling included in the Transport Assessment dated October 2015 is based on the provision of a left turn flare on the A20 (east) approach to the junction.
- 7.72 The results presented in the TA show the practical reserve capacity in 2029 to increase from 35.2% to 33.1% in the AM peak and from 51.8% to 39.2% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.
- 7.73 MM considers that except for A274 Sutton Road / St Saviours Road where the mitigation proposed does not entirely mitigate the impact of the development traffic, the results demonstrate that with the proposed junction layouts and development traffic, all junctions perform comparatively better than with existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 and A229 corridors, although the new access junction would add some very limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at existing improved junctions. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.74 The applicant also proposes improvements to public footways, a high quality internal shared use route, an extension to the 30mph speed limit on A274, public transport improvements as well as substantial contributions to improve M20 Junction 7.
- 7.75 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I concur with the advice of MM and consider that the highways impact is not severe.
- 7.76 Adopted Borough Plan T2 seeks to promote bus preference measures on A274. Policy T3 seeks to ensure this by suggesting development which does not provide adequate public transport measures should be refused. Maidstone commissioned Mott MacDonald to produce the A274 Corridor Study to illustrate the potential for bus priority measures in the area of the site and concludes as follows:

7.1 A274 Corridor Study Summary and Conclusions.

- 7.1.1 *Buses already experience considerable delay due to traffic congestion along this corridor. A number of large residential-led developments have been consented or proposed in line with housing allocations set out in MBC's Draft Local Plan. The developments, together with*

background growth in traffic that is anticipated, will increase congestion and delays.

- 7.1.2 *Analysis presented in the transport assessment supporting the planning application for Langley Park (Site F in Figure 3.1) concludes that, even with some limited junction improvements, the corridor will have reached its vehicle capacity before that development was fully occupied. Consequently the transport assessment assumed that a proportion of trips would be diverted to buses.*
- 7.1.3 *In the light of these forecasts, a good level of priority for buses is necessary in order to make travelling by bus a realistic option along the study corridor. This report sets out the principles behind the design of bus priority measures, and then demonstrates how they have been applied to the study corridor resulting in proposals for schemes along the length of the corridor within the urban area.*

- 7.77 The proposal provides £1.08m towards bus prioritisation and is considered to accord with T2 and T3. **Mitigation of the proposal includes measures such as bus priority junctions where buses can move to the front of the traffic queue at a traffic light junction; increasing road capacity through road widening and improvements to bus shelters, access and information in line with Policy T2.**
- 7.78 Overall MM concludes that with the appropriate mitigation measures, listed above, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I have reviewed the proposed mitigation and concur with MM's analysis. **KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF.**

Drainage & Flood Risk

- 7.79 The proposed drainage strategy used the wetlands at the south east corner for attenuation purposes. Levels and embankment information of attenuation ponds has now been provided to KCC drainage and the previous objection is withdrawn. The requirement of an overall site-wide drainage strategy at detailed design stage would be covered by condition.

Ecology

- 7.80 The provision of over 19.77 hectares of natural and semi-natural open space in the form of parkland, common or heath land, orchards and wetland represents a welcome increase in wildlife habitat. Public access to wildlife would also be increased. Kent Wildlife Trust have suggested further details of mitigation in relation to Great Crested Newts, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy,

construction environmental management plan, and enhancements. It is suggested that these matters are covered by condition.

Other Matters

Noise and Air quality

- 7.81 The illustrative masterplan proposes a substantial buffer of approximately 30 metres proposed between the proposed development and the A274. Environmental Health do not object with the proposal providing suitable conditions regarding noise and air quality are included, which are proposed.

Residential amenity

- 7.82 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 7.83 Saved policy ENV28 states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density in line with the Submission Draft Local Plan policy H1 (10), I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation as well as extensive open space and tree belts will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.
- 7.86 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created to the North of the site. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads.
- 7.87 Following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national, regional or local planning policies.
- 7.88 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life.
- 7.89 Environmental Protection have been consulted and raise no objection to the conclusions of the assessments. As such, subject to the relevant conditions, it is considered that the proposed development is not likely to result in an unacceptable impact existing or future residents in respect of additional noise, or air quality.

8.0 COMMUNITY INFRASTRUCTURE

- 8.01 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

- 8.02 Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

- 8.03 The following contributions are proposed and considered to be compliant with Regulations 122 and 123.

Affordable Housing

- 8.04 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by draft MBLP policy SP3 (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites set out in Policies H1(5) to H1(10). As such, as the site is an allocated housing site (Policy H1(9)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.

- 8.05 The proposal includes the provision of a wide variety of community infrastructure listed below:

Social Infrastructure including:

- The provision of on-site health facilities or an appropriate contribution of £800,000 towards the Orchard Langley Surgery and/or Wallis Avenue Surgery.
- The provision of a site and construction of a primary school on the site, allowing potential for future expansion (size of school to be determined).
- Provision of £600,000 towards on-site or off-site community facilities.
- Provision of 30% affordable housing including 16 Wheelchair Accessible Homes
- Provision of 19.77 hectares of public open space;
- Provision of a Landscape ecological management plan

- Secondary education: £1,887,840. towards the expansion of the Cornwallis School
- Community learning £24,560
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);
- Youth Services £6,792
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;
- Library bookstock £38,416
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)
- Social Care £43,104
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);
- Suitable financial mitigation is proposed to compensate for elements of open space requirements should they not be provided onsite.

Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

Significant highways and transport improvements, namely:

- A new pedestrian and cycle route will be provided running east-west
- from Sutton Road to Brishing Road connecting with the planned route
- through the adjacent site at Langley Park.
- The provision of additional pedestrian and cycle crossings across the
- A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.
- Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus
- infrastructure improvements.
- Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.
- Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.
- Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.

The above to be addressed as follows:

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274

- £1.435m for bus subsidy on A274.
- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).
- Improvements to public footpath KH365 to a cycle track, Surface of KH369, surface of KH365 and dedication as cycle link.

8.06 The proposed contributions, as listed above and elsewhere in this report are considered to be necessary to make the proposed development acceptable.

9.0 CONCLUSION

9.01 The proposed development is contrary to saved policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan and saved policy ENV32 in that it represents development in the countryside within the Southern Anti-Coalescence Belt constituting moderate harm. However, the proposal delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. Accordingly, for the purposes of these applications only and in this specific respect, the applications' non-compliance with saved policies ENV28 and ENV32 should be accorded limited weight in the determination of the application. I do not consider that the proposal conflicts with saved policy ENV21.

9.02 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are mitigated. There are no objections from the Environment Agency in terms of flooding. There are no significant ecology objections or any other matters that result in a sustained objection to the development.

9.03 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. I have considered the likely impact on the historic environment and consider that the public benefits outweigh the less than substantial harm to listed buildings. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.

- 9.04 The development would be acceptable in terms of its impact on the landscape, drainage, biodiversity, neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous mainly agricultural use of the site.
- 9.05 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from saved policies ENV28 and ENV32. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 9.06 The proposal represents a high quality scheme in line with draft MBLP policy H1(10) and is considerably improved as a consequence of negotiations and amendments. **The proposed housing element east of the PROW369 is not considered to be a substantial alteration to the allocation.** Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.
- 9.07 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

10.0 RECOMMENDATION

DELEGATED POWERS be given to the Head of Planning and Development to grant permission SUBJECT TO the conditions as set out below, Urgent Update(s) AND the completion of a suitably worded legal agreement ensuring the delivery of the highway improvements, together with all other Heads of Terms set out in the Urgent Update, to be negotiated and agreed upon in conjunction with the Head of Mid Kent Legal Services.

Condition will be provided in a published urgent update prior to Committee.

10.1 Conditions

Proposal: Outline planning application for a residential development together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (crèche/day centre/ day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha of land for primary education (use class D1), public open space in the form of natural green space, play facilities and informal open space together with landscaping, parking footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.

RESERVED MATTERS

1. The development shall not commence for each phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-

- a. Layout b. Scale c. Appearance d. Landscaping

The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.

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

TIME LIMITS

2. The first application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters for any phase or of the development to be made to the LPA within four 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.

LANDSCAPING

3. The development shall not commence (including any demolition, ground works, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that phase, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development [and long term management of the landscaping]. The development shall be carried out in accordance with the approved details and the approved landscaping scheme as regards its terms on long term maintenance for each phase may be amended during the lifetime of the development provided such variations are submitted to and approved in writing by the Local Planning Authority.

The landscape scheme for each phase shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping within the phase or within the wider development if such structural landscaping is not application for each phase
- b) Retention and enhancement of boundary vegetation unless otherwise specified excluding the openings required for access points).
- c) The provision of a protective buffer zone adjacent to the existing boundary with the Langley Park Farm hamlet.
- d) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
- e) Proposed finished levels and contours
- f) Works necessary to any existing Public Rights of Way within that phase;
- g) Car parking layouts;
- h) Other vehicle and pedestrian access and circulation areas;
- i) Hard surfacing materials;
- j) Written planting specifications;
- k) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);

l) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas [including their long term management and maintenance]

m) Implementation programme setting out timing for completion of the various parts of the hard and soft landscaping works.

The works shall be carried out strictly in accordance with the approved details

Reason: To ensure a satisfactory development in the interests of amenity.

4. All hard and soft landscape works submitted and approved pursuant to condition 1 for each phase of the development shall be carried out in accordance with the details approved pursuant to condition 1 and relevant landscaping scheme pursuant to condition 3 in accordance with the implementation programme approved as part of the relevant landscape scheme pursuant to condition 3. Any trees or plants whether new or retained which within a period of 5 years from the completion of that phase 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. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

PLANTING

5. All planting, seeding or turfing comprised in the relevant landscaping scheme pursuant to condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner;.

Reason: To ensure a satisfactory external appearance to the development.

PHASING

6. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. This shall include the phasing for the delivery of the local centre including the A1 use hereby permitted. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

NON-RESIDENTIAL USES

7. Where the non-residential uses hereby permitted include an A1 use then in relation to such development the permitted development rights with the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be restricted such that no development consisting of a change of use from A1 to any other use shall be permitted at any time by this permission or the Town and Country (General Permitted Development)(England) Order 2015.

Reason: To ensure the vitality of a local centre.

ECOLOGY

8. Prior to the commencement of development of each phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, nesting birds and retained habitats including the stream and hedgerows) for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

The works shall be carried out strictly in accordance with the approved details

Reason: To protect and enhance biodiversity.

9. Prior to the commencement of development (including ground works, demolition and site clearance) of each phase an ecological design strategy (EDS) addressing habitat creation and enhancement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

10. Prior to commencement of development (including ground works, demolition and site clearance) on each phase a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" clearly depicted on a map

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

11. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 month) within 1 year from the date of the planning consent, the ecological measures are set out in the Section five of the Environmental Statement shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

LIGHTING

12. Details of a lighting design strategy for biodiversity for the each phase shall be submitted to and approved in writing by the local planning authority prior to the occupation of the relevant phase of development. The development shall be carried out in accordance with the approved details.

The strategy shall:

- a) Identify those areas/features within the phase that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

TREES

13. The development shall not commence on any phase until an Arboricultural Method Statement for that relevant phase in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

14. No development shall commence on any phase until a full Arboricultural Implications Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the development and the existing trees on the relevant phase and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the phase, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the phase. The development shall be implemented in accordance with the approved AIA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

HEDGE PROTECTION

15. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

MATERIALS

16. The development shall not commence for any phase until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces for that phase have been submitted to and approved in writing by the Local Planning Authority and the phase of development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

ARCHAEOLOGY

17. The development shall not commence for any phase until a programme of archaeological work for that phase in accordance with a written specification and timetable has been submitted to and approved by the Local Planning Authority. The works in that phase shall be carried out in accordance with the approved details.

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

SLAB LEVELS

18. The development shall not commence for any phase until details of the proposed slab levels and ridge heights of the buildings and the existing site levels for that phase have been submitted to and approved in writing by the Local Planning Authority and the development in that phase shall be completed in accordance with the approved levels.

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

CONTAMINATION

19. The development shall not commence for any phase until the following components of a scheme to deal with the risks associated with contamination of that phase have been submitted to and approved, in writing, by the local planning authority.

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination within the phase.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken within the phase. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the phase. Any material brought onto the phase shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The development in that phase shall be carried out in accordance with the approved details.

Reason: In the interests of public safety and pollution prevention.

EXTERNAL APPEARANCE

20. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

FOUL WATER

21. The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and as necessary off-site improvements to the local network have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The details shall include phasing of the occupation of the development commensurate with the timescales for the improvement works to be carried out. The development shall be carried out in accordance with the approved details. The development shall be occupied in accordance with the approved phasing details.

Reason: In the interest of pollution and flood prevention.

HIGHWAYS AND ACCESS

22. No occupation of each phase of the development hereby permitted shall take place until the highways, cycle routes and footway improvements within or physically adjoining that phase have been completed. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling in each phase:

- a) treatment of the private road from Sutton Road to the Langley Park Farm hamlet;
- b) on-site cycle routes
- c) on-footways and PROWs

- d) on-site highways

Reason: In the interests of sustainable transport.

23. BUS ONLY ROAD

No occupation shall take place until details of the bus-only road and bus turning facilities at the eastern end of the bus-only road at the junction with Sutton Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to the occupation of 300th dwelling.

Reason: In the interests of sustainable transport.

CONSTRUCTION

24. Prior to commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
- ii) the parking of vehicles of site operatives and visitors;

- iii) the loading and unloading of plant and materials;
- iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
- v) the storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust and dirt during construction;
- ix) measures to control noise and vibration during construction;
- x) a scheme for the recycling or disposal of waste resulting from construction works.
- xi) Code of Construction Practise (see below)

25. CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)

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

The code shall include:

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

HISTORIC BUILDINGS

26. The details required by condition 1 shall show the phase/phases of development directly adjoining the Langley Park Farmhouse hamlet shall be informed by a historic buildings assessment of the Langley Park Farmhouse hamlet which shall be submitted at the relevant reserved matters stage.

Reason: To ensure that historic buildings are protected in the layout of the relevant phases adjoining Langley Park Farmhouse hamlet.

EDUCATION DUAL USE OF PLAYING FIELD

27. Prior to first use of the school, details of a community use agreement setting out how the playing field of the school can be used by alternative community uses. The details shall set out payment mechanisms, and long term maintenance arrangements to accommodate the increased community use. The details shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be carried out in accordance with the approved details thereafter.

Reason: in the interests of community accessibility.

JUNCTION IMPROVEMENTS

28. No part of the development shall be occupied until such time as junction improvements at the junction of Sutton Road and St Saviours Road are carried out. Full details of such works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full to the satisfaction of the Local Planning Authority in consultation with the Local Highways Authority, prior to the occupation of any dwelling.

Reason: In the interests of highway capacity and safety.

RENEWABLE ENERGY

29. The construction of the development shall not commence until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

NUMBER OF DWELLINGS

30. The number of dwellings shall be limited to a maximum of 800.

Reason: In order to ensure satisfactory design, highways impact and residential amenity.

DRAINAGE

31. No infiltration of surface water drainage into the ground at this site 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.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

32. Prior to commencement of development I a detailed sustainable surface water drainage design for the site compliant with Flood Risk Assessment and Drainage Strategy (PBA 30833/2004 Rev W, March 2016) and design parameter drawings (PBA 30933/2004/001 and PBA 30833/2004/001 Rev F), shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

i. Surface water generated by this development (for all rainfall durations and intensities up

to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at to the receiving watercourse.

ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

iii. Appropriate allowances for climate change have been incorporated into design. The development shall be carried out in accordance with the approved details.

33. No building hereby permitted shall be occupied until details of the implementation,

maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

DUCTING OF SERVICES

34 Prior to the first use of any commercial and non-residential premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interests of amenity.

35. PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE

The development shall provide charging points for low-emission plug-in vehicles to dwellings with dedicated off-street parking.

The development shall provide at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the Local Planning Authority and Kent County Council).

Reason: In the interests of sustainable transport and the avoidance of pollution.

PROVISION OF BUS FACILITIES AND ACCESS

36. Prior to the construction of the relevant phase of development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road, in the interests of sustainable transport.

ACCESS TO WEST

37. The details pursuant to condition 1 shall include a layout that would enable the provision of two links up to the immediate boundary to the land to the west, granted planning permission MA/13/1149, as shown on submitted drawing RD1557 PP 100 Rev. R and the indicative masterplan. Construction of the following shall occur prior to the occupation of that relevant phase of development.

- a) a vehicular road to allow bus movements, pedestrian and cycle access up to the immediate boundary of the site;
- b) A pedestrian and cycle route up to the immediate boundary of the site;

All other phases shall comprehensively link in to these routes

At no time shall development take place that would preclude this accesses being provided up to the immediate boundary of the site.

Reason: In the interests of permeability and good design.

BUILDING HEIGHTS

38. No building within any p shall exceed the height specified for buildings within that plot as set out in the drawing number submitted RD1557 PP 103Rev. N.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

ADHERENCE TO ENVIRONMENTAL STATEMENT

39. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

APPROVED DRAWINGS

40. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: RD 1557 PP 100 Rev R ; RD1557 PP 101 Rev R ; RD1557 PP 102 Rev M; RD1557 PP 103 Rev N : RD1557 PP 104 Rev M;

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

PROVISION OF ACCESS ROAD

41. There shall be no occupation of the development hereby permitted until the provision of a new accesst from the Sutton Road (A274) as shown as Drawing Number RD1557 PP 101 Rev R alongside bus strategy to serve early phases and the bus only access shall be provided in accordance with condition 23 above.

Reason: In the interests of highway safety and to promote public transport use.

PUBLIC ACCESS TO OPEN SPACE

42.The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be

placed or erected, unless otherwise agreed in writing by the Local Planning Authority, to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

CRIME PREVENTATION

43. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention.

DESIGN PRINCIPLES STATEMENT

44 A Design Principles Statement shall be submitted and approved by the Local Planning Authority. No construction of the development hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design.

INFORMATIVES:

Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document “Planning Regulations for Waste Collections” which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There

should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is

used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Informative Waste to be taken off site Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

Section 106 Heads of terms

<u>Health Facilities - contribution of £800,000 (actual figure to be confirmed) towards health at the Orchard Langley Surgery and/or Wallis Avenue Surgery. Or the provision of on-site health facilities to be determined at reserved matters stage</u>	<u>£1,000 Per dwelling</u>
<u>Primary Education provision of a primary school on a site of a minimum of 1.2 hectares but cascade approach to allow for 2.1 hectares if the needs of the development requires it, through reserved matters process. If required the additional land to be provided at agricultural land value.</u>	<u>£5,625 per dwelling (assuming 1 Form Entry School required).</u>
<u>Community Facilities - £600,000 towards on or off-site community facilities, proposed as part of the development.</u>	<u>£750 per dwelling</u>
<u>Provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes</u>	
<u>Provision of a minimum 19.77 hectares of public open space as shown on drawing number RD1557 PP 104 Rev. M</u>	
<u>Secondary education: £1,887,840. towards the expansion of the Cornwallis School</u>	<u>£2359.80 per dwelling</u>
<u>Community learning £24,560</u> <u>(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);</u>	<u>£30.70 per dwelling</u>
<u>Youth Services £6,792</u> <u>(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby</u>	<u>£8.49 per dwelling</u>
<u>Library bookstock £38,416</u> <u>(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)</u>	<u>£48.02 per dwelling</u>

<u>Social Care £43,104</u> <u>(Towards cost of providing additional services for this proposed development, namely: accessibility improvements to a Community Building local to the development where social care services are delivered by KCC or a third party.</u>	<u>£53.88 per dwelling</u>
<u>Provision of a travel plan, public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan</u>	
<u>Landscape and Ecological Management Plan, to include:</u> <u>a) Description and evaluation of features to be managed.</u> <u>b) Aims and objectives of management.</u> <u>c) Management prescriptions for achieving aims and objectives.</u> <u>d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</u> <u>e) Details of the body or organisation responsible for implementation of the plan.</u> <u>f) Details of on-going species and habitat monitoring; and</u> <u>g) Provision for remedial measures.</u> <u>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</u>	
<u>TOTAL (excluding highways)</u>	
	<u>£9,875.89per dwelling</u>

Highways

Appropriate contributions for highways mitigation as finalised under delegated authority on the basis of the attached appendix.

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a pro-rata basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

Significant highways and transport improvements, namely:

(please note these elements are subjection to further negotiations)

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274
- £1.435m for bus subsidy on A274.

- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).
- Improvements to public footpath KH365 to a cycle track, Surface of KH369, surface of KH365 and dedication as cycle link.
- Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.
- A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park.
- The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.

Design Quality assurance

- The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers (contribution toward the set of this committee).

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 JULY 2016

Present: Councillor Perry (Chairman) and Councillors Brice, Clark, Cox, English, Harwood, Hemsley, Munford, Powell, Prendergast, Round, Mrs Stockell and Willis

Also Present: Councillor Newton

76. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Boughton and Hastie.

77. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Brice for Councillor Boughton
Councillor Willis for Councillor Hastie

78. NOTIFICATION OF VISITING MEMBERS

Councillor Newton indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251.

79. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

80. URGENT ITEMS

The Chairman advised the Committee that he had agreed to take the reports of the Head of Planning and Development relating to applications 15/509015 and 15/509251 as urgent items to avoid further delay. He had also agreed to take the update reports of the Head of Planning and Development as urgent items as they related to applications to be considered at the meeting.

81. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Prendergast said that, in the past, she had been a member of CPRE Kent which had commented on applications 14/506264, 15/509015 and 15/509251. However, she had not participated in CPRE Kent's discussions on these applications, and intended to speak and vote when they were considered.

82. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the reports of the Head of Planning and Development relating to applications 14/506264, 15/505906, 15/509015 and 15/509251.

83. EXEMPT ITEMS

RESOLVED: That the legal advice contained in the exempt Appendix to the reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251 be considered in public, but the information contained therein should remain private.

84. MINUTES OF THE MEETING HELD ON 30 JUNE ADJOURNED TO 7 JULY 2016

RESOLVED: That the Minutes of the meeting held on 30 June adjourned to 7 July 2016 be approved as a correct record and signed.

85. PRESENTATION OF PETITIONS

It was noted that a petition objecting to application 15/509015 had been presented to the adjourned meeting of the Committee held on 7 July 2015.

There were no other petitions.

86. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

15/503223 – PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

There were no updates in respect of these applications on this occasion.

87. DECLARATIONS OF PRE-DETERMINATION

The representative of the Head of Legal Partnership reminded Members that if they felt that they may have pre-determined any applications on the agenda, they should make a declaration to that effect.

Councillor Brice said that since she had spoken as a Visiting Member in support of application 15/505906 (Grafty Green Garden Centre) on a previous occasion, she would leave the meeting when it was discussed.

In response to a question by the representative of the Head of Legal Partnership, Councillor Mrs Stockell said that she did not think that she had pre-determined; she would listen to the discussion and then decide.

88. 15/505906 - DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS AND INFRASTRUCTURE, ERECTION OF 14 DETACHED BESPOKE DWELLINGS INCLUDING GARAGES WITH ANNEX ABOVE, TWO STOREY B1 OFFICE UNIT (5,515SQFT); TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - GRAFTY GREEN GARDEN CENTRE, HEADCORN ROAD, GRAFTY GREEN, KENT

Having stated that she had pre-determined this application, Councillor Brice left the meeting when it was discussed.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Quinn, the applicant, addressed the meeting.

It was noted that a £50,000 contribution in respect of the provision of a broadband connection to the wider village of Boughton Malherbe had been put forward by the applicants. However, the Officers maintained that such a contribution was not a policy requirement of the Council and did not meet the tests of the CIL Regulations, and should be prioritised instead towards providing an overall affordable housing contribution totalling £290,000. It was suggested that the provision of broadband would benefit the existing community and future occupiers of the development by reducing the need for car journeys and making the site and village more sustainable. The provision of the broadband connection could be dealt with outside the S106 legal agreement, with a corresponding £50,000 reduction in the affordable housing contribution, reinforced by an informative regarding its delivery.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the prior completion of a S106 legal agreement, including a reduced contribution of £240,000 towards affordable housing off-site having regard to the proposed provision of a broadband connection, the Head of Planning and Development be given delegated powers to grant permission subject to conditions and informatives. In making this decision, the Committee felt that the amended proposal was a sustainable approach to the use of this redundant brownfield site and that the benefits for the local community, economy, landscape and wildlife were sufficient to outweigh any disbenefit arising from the development proposals.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following summarised contributions:

- A contribution of £240,000 towards affordable housing provision off-site;
- A contribution of £33,053 towards the provision of primary education;
- A contribution of £18,864 towards NHS provision;
- A contribution of £22,050 towards off-site provision of public open space; and
- A contribution of £672 towards library book stock,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the second urgent update report, and the additional condition set out in the first urgent update report, with an additional informative as follows:

The Council expects to see the £50,000 reduction in the affordable housing contribution allocated towards the provision of the broadband connection for the benefit of the community.

2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement.

Voting: 12 – For 0 – Against 0 – Abstentions

89. 15/509015 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, TOGETHER WITH NON-RESIDENTIAL USES INCLUDING POTENTIALLY A1 (RETAIL), A3 (SALE OF FOOD AND DRINK ON THE PREMISES E.G. RESTAURANT), A4 (PUBLIC HOUSE), D1(A) (MEDICAL USE), D1(B) (CRECHE/DAY CENTRE/DAY NURSERY), OR B1 (OFFICE), UP TO 0.4 HA OF LAND RESERVED FOR C2 (RESIDENTIAL CARE), THE RESERVATION OF 2.1 HA OF LAND FOR PRIMARY EDUCATION (USE CLASS D1), PUBLIC OPEN SPACE IN THE FORM OF NATURAL GREEN SPACE, PLAY FACILITIES AND INFORMAL OPEN SPACE TOGETHER WITH LANDSCAPING, PARKING, FOOTPATH AND CYCLE LINKS AND THE NECESSARY SERVICING, DRAINAGE AND THE PROVISION OF NECESSARY UTILITIES INFRASTRUCTURE, WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS - LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Councillor Taylor-Maggio of Langley Parish Council (against), Mrs Etherington, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A financial contribution of £1,000.00 per dwelling towards the provision of health facilities at the Orchard Langley Surgery and/or Wallis Avenue Surgery OR the provision of on-site health facilities to be determined at reserved matters stage;
- A financial contribution of £5,625.00 per dwelling (assuming 1 Form Entry School required) for provision of a primary school on a site of a minimum of 1.2 hectares but cascade approach to allow for 2.1 hectares if the needs of the development requires it, through reserved matters process. If required the additional land to be provided at agricultural land value;
- A financial contribution of £750.00 per dwelling towards on or off-site community facilities, proposed as part of the development;
- The provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes;
- The provision of a minimum 19.77 hectares of public open space as shown on drawing number RD1557_PP_104 Rev. M;
- A financial contribution of £2,359.80 per dwelling towards the expansion of the Cornwallis Academy (secondary education);
- A financial contribution of £30.70 per dwelling towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees (community learning contribution);
- A financial contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees at the Fusion Café youth project (youth services contribution);
- A financial contribution of £48.02 per dwelling towards additional library book stock required to mitigate the impact of the new borrowers from this development;
- A financial contribution of £53.88 per dwelling towards the cost of providing additional services for this proposed development, namely accessibility improvements to a community building local to the development where social care services are delivered by KCC or a third party (social care contribution);
- The provision of a travel plan, public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan;
- A Landscape and Ecological Management Plan, to include:

Description and evaluation of features to be managed;

Aims and objectives of management;
 Management prescriptions for achieving aims and objectives;
 Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 Details of the body or organisation responsible for implementation of the plan;
 Details of on-going species and habitat monitoring; and
 Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;

- Appropriate financial contributions for significant highways and transport improvements to include the following elements that are subject to further negotiations:

A per dwelling contribution for the signalisation of Junction 7 of the M20;

A per dwelling contribution for bus prioritisation measures on the A274;

A per dwelling contribution for improvements to bus services to/from the site with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc.;

A per dwelling contribution for the improvement of the junction of Loose Road/Armstrong Road/Park Way;

A per dwelling contribution for the improvement of the junction of the A20 Ashford Road/Willington Street;

Improvements to the junction of the A274 Sutton Road/St Saviours Road as per condition 28;

Improvements to public footpath KH365 to a cycle track, surface of KH369, surface of KH365 and dedication as cycle link;

Connections to the existing cycle network from Park Wood to the town centre and by upgrading the PROW network to accommodate cycles;

A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park; and

The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.

Per dwelling contributions to be based on the South East Maidstone Highway Mitigation Apportionment Table attached as Appendix A to the report of the Head of Planning and Development subject to any subsequent amendments negotiated and agreed by the Head of Planning and Development acting under delegated powers.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a "development monitoring committee" prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this "development monitoring committee",

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the additional conditions set out in the first urgent update report (relating to air quality, retention of public open space and no development east of PROW 369), with the amendment of condition 3 as follows:

Condition 3 (Landscaping)

Add sub-section:

n) Landscape details shall include "green fingers" down to Langley Loch, screening to protect views from the A274 and B2163 and a wooded buffer zone next to the A274 with the retention of existing vegetation.

2. That the Head of Planning and Development be given delegated powers to negotiate and agree any subsequent amendments to the South East Maidstone Highway Mitigation Apportionment Table.
3. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement in respect of this application.

Voting: 5 – For 4 – Against 4 – Abstentions

FURTHER RESOLVED: That the Communities, Housing and Environment Committee be recommended to look at how the Sutton Road/Loose Road area can be built into any action plan for air quality mitigation having regard to the developments coming forward.

Voting: 12 – For 0 – Against 1 – Abstention

Councillor Round left the meeting after consideration of this application (8.20 p.m.).

90. 15/509251 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED VEHICULAR, PEDESTRIAN AND CYCLE ACCESS AND ASSOCIATED WORKS, INCLUDING PROVISION OF PUBLIC OPEN SPACE. (ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS) - LAND NORTH OF BICKNOR WOOD, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Barker, an objector, Councillor Aplin of Otham Parish Council (against), Councillor Greenhead of Downswood Parish Council (against), Mr Goodban, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - A financial contribution of £978.34 per dwelling towards the provision of health facilities at one of the following surgeries: Wallis Avenue Surgery, Mote Medical Practice, Northumberland Court, Downswood Surgery, Grove Park Surgery;
 - A financial contribution of £6,460.00 per dwelling towards the construction of Langley Park Primary School and Langley Park Primary School site acquisition;
 - A financial contribution of £272.00 per dwelling towards improvements to existing off-site open space facilities at Senacre Recreation Ground;
 - The provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 2 (two) Wheelchair Accessible Homes;
 - The provision of a minimum 5.8 hectares of public open space;
 - A financial contribution of £2,274.84 per dwelling towards the third phase of the expansion of the Cornwallis Academy (secondary education);
 - A financial contribution of £30.70 per dwelling towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees (community learning contribution);

- A financial contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees at the Fusion Café Youth project (youth services contribution);
- A financial contribution of £48.02 per dwelling towards additional library book stock required to mitigate the impact of the new borrowers from this development;
- A financial contribution of £53.88 per dwelling towards the cost of providing additional services for this proposed development, namely accessibility improvements to a community building local to the development where social care services are delivered by KCC or a third party (social care contribution);
- A Landscape and Ecological Management Plan, to include:

Description and evaluation of features to be managed to include the long term maintenance and management of the SUDS schemes located in the buffer zone to the southern boundary;
 Aims and objectives of management;
 Management prescriptions for achieving aims and objectives;
 Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 Details of the body or organisation responsible for implementation of the plan;
 Details of on-going species and habitat monitoring; and
 Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

- Appropriate financial contributions for significant highways and transport improvements to include the following elements that are subject to further negotiations:

A per dwelling contribution towards the A274 Sutton Road/Willington Street/Wallis Avenue junction improvements;
 A per dwelling contribution towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction;
 and
 A per dwelling contribution for improvements to bus services to/from the site with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc.

Per dwelling contributions to be based on the South East Maidstone Highway Mitigation Apportionment Table attached as Appendix A to the report of the Head of Planning and Development subject to any subsequent amendments negotiated and agreed by

the Head of Planning and Development acting under delegated powers.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a "development monitoring committee" prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this "development monitoring committee",

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the additional condition set out in the first urgent update report (relating to air quality) with the deletion of suggested condition 23 limiting the number of dwellings, the amendment of conditions 3, 13, 19 and 31 and an additional informative as follows:

Condition 3 (Landscaping) (amended)

Amend sub-section:

d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter fenced off in accordance with details to be submitted to and approved by the Local Planning Authority. The approved fencing shall be maintained thereafter.

Add sub-section:

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Condition 13 (Arboricultural Implications Assessment) (amended)

Add to the condition:

The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build.

Condition 19 (Highways and Access) (amended)

Amend sub-section:

e) On-site footways shall be constructed before the dwellings to which they serve are first occupied, including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude these accesses being opened up. The details of the new PROW shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

Reason: In the interests of good accessibility and sustainable travel and to ensure acceptable appearance through the site.

Condition 31 (Design Principles Statement) (amended)

Amend the condition to read:

No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development proposals shall be of a high standard of design and sustainability incorporating the use of vernacular materials taking their cue from the local context. The development shall be carried out in accordance with the approved details.

Additional Informative

The reserved matters must be reported back to the Planning Committee for consideration rather than dealt with under delegated powers.

2. That the Head of Planning and Development be given delegated powers to negotiate and agree any subsequent amendments to the South East Maidstone Highway Mitigation Apportionment Table.
3. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement in respect of this application.

Voting: 4 – For 4 – Against 4 – Abstentions

The Chairman used his casting vote in favour of approval.

Councillor Harwood left the meeting after consideration of this application (21.55 p.m.).

91. 14/506264 - RESIDENTIAL DEVELOPMENT OF 271 DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, ACCESS AND ASSOCIATED INFRASTRUCTURE (AMENDED 08.03.2016) - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Ms Lamb addressed the meeting on behalf of the applicant.

RESOLVED:

1. That the Planning Inspectorate be informed that if the applicant had not lodged an appeal against non-determination, the Council would have granted planning permission subject to the completion of a S106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.
2. That the S106 legal agreement would have provided the following:
 - The provision of 30% affordable residential units within the application site; the tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units);
 - A financial contribution of £798,095.00, as calculated in Appendix A to the report of the Head of Planning and Development, towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
 - A financial contribution of £365,850.00, as calculated in Appendix A to the report of the Head of Planning and Development, towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc., subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
 - A financial contribution of £611,243.84 towards the land acquisition costs for provision of a new school at Langley Park and £905,000.00 towards construction costs;

- A financial contribution of £37,453.72 towards the community facility being delivered as part of the new school at Langley Park;
 - A financial contribution of £533,904.75 towards the construction of a phase of extending the Cornwallis Academy, Maidstone;
 - A financial contribution of £13,012.28 towards libraries to address the demand from the development for additional book stock;
 - A financial contribution of £108,400.00 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground;
 - A financial contribution of £210,960.00 towards the upgrade of facilities as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice and Northumberland Court Surgery;
 - Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
 - A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
 - The establishment of a "development monitoring committee" to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
 - A financial contribution towards the setting up and running of this "development monitoring committee".
3. That the conditions that would have been imposed be as set out in the report of the Head of Planning and Development, as amended by the first urgent update report, and the additional conditions set out in the first urgent update report (relating to ducting, architectural detailing and air quality) with the amendment of conditions 8, 9 and 10 and an additional condition as follows:

Condition 8 (Landscape and Ecological Management Plan) (amended)

Add sub-section:

- l) Details of the management of an on-site play area.

Condition 9 (Landscaping) (amended)

Add sub-section:

v) Details of tree planting to create a strong boundary treatment to the immediate north of the site to create a landscape corridor between Bicknor Wood and Belts Wood.

Condition 10 (PROW KM94) (amended)

Prior to commencement of development, full details of the alignment of public footpath PROW KM94 together with surfacing material details shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: The submitted plan no 22663A/SK01 does not show the definitive alignment of the PROW and to ensure good quality connectivity and acceptable appearance through the site.

Additional Condition – On Site Play Area

Prior to the commencement of development full details of an equipped children's on-site play area to be provided as part of the public open space shall be submitted to and approved by the Local Planning Authority. The approved play area shall be available for use before the first occupation of the housing hereby permitted. The details shall include the location of the play area; and the arrangement and design of play equipment to be provided.

Reason: In order to ensure that the occupiers of the housing are provided with adequately set out and equipped play space for children.

Voting: 4 – For 1 – Against 6 – Abstentions

4. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement to be submitted to the Planning Inspectorate as part of the appeal process.

Voting: 10 – For 0 – Against 1 – Abstention

92. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

93. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

94. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.

M20 Junction 7 Contributions

Technical Note – M20 Junction 7 Contributions

Mott MacDonald was asked by Maidstone Borough Council (MBC) to assess which developments should contribute towards improvements for M20 Junction 7. No detailed scheme for this junction exists, however a part signalised improvement feasibility scheme was developed under KIMS. MBC are looking to apportion the costs of this scheme amongst the developments which have the greatest impact on this junction.

Advice is being sought from MBC to ensure funding for this junction is coming forward at the right time to mitigate the impact of Local Plan development. In the absence of funding from the Kent Institute of Medicine and Surgery (KIMS) which would still be required to implement the improvements at this junction should the level of development exceed 75% occupation (as per condition 21 of planning permission 16/507292), Highways England (HE) have asked for a “managed approach” to be led by MBC to ensure funding availability. The assessment put forward in this note should be seen as the first approach with the alternative of KIMS implementing the improvements as a fall-back position should their development reach 75% occupation.

This note sets out the schemes (except for KIMS) that should contribute and the percentage apportionment of the costs based on an overarching assessment. The approach taken in this note is based on the fact that mitigation is required at this junction to accommodate development as set out in the Local Plan, and that those developments with the greatest impact on this junction should be paying for such mitigation. As such, the approach described in this note is to satisfy HE’s request to secure funding for the junction.

In relation to Land South of Sutton Road H1(10), Paul Lulham of DHA has submitted an assessment to MBC reviewing all Local Plan development, and based on this, proposed a number of sites for inclusion. We have carried out a detailed review of this assessment and commented on it which led to it being revised. Our review is discussed in detail in the section below. In principle, we consider the assessment is now acceptable and sound, and its results contain the sites with the greatest impact on the junction.

The assessment takes a purely transport-related approach by considering the trip generation and distribution of each development. In order to establish the list of sites that should contribute and their percentage of contribution, the following also needs consideration:

- When within the Local Plan period is the site likely to come forward?
- Will the site be developed by a single or multiple developers with the latter potentially leading to pooling issues.

This note is set out as follows:

- Detailed review of DHA’s assessment
- Sites identified
- Proportional split of contributions
- Way forward

M20 Junction 7 Contributions

Detailed Review of DHA's Assessment

DHA's assessment is structured as follows:

- Sites to be considered
- Trip generation for each site
- Trip distribution for each Middle Layer Super Output Area (MSOA) based on Census 2011 data
- Trips arriving at M20 Junction 7 for each site based on the above.

These steps are discussed in more detail below:

Site to be considered

The assessment contains a list of all remaining Local Plan sites in Maidstone and surrounding area, i.e. in Maidstone's urban area and periphery. The list sets out the percentage of affordable units and the total units the allocations are for.

Trip generation for each site

Based on TRICS data, the assessment sets out the trip rates and trip generation for each development based on whether it is located in an urban or rural area split by "mixed private" and "mixed affordable" housing.

For sites where a Transport Assessment exists and is in the public domain (on planning portal linked to a planning application), the values from the individual Transport Assessments were taken.

The same approach was applied to employment and shopping/foodstore sites, using Transport Assessment data where these exist. For the Maidstone School of Science and Technology, the values from the Transport Assessment were used.

Trip distribution for each MSOA

Data for each MSOA was downloaded from the Origin – Destination Census 2011 data, location of usual residence and place of work by method of travel to work.

The trips undertaken by car ("Driving a car or van") were then routed across the network based on the area's location and all trips made from this area to their destinations, and percentages worked out. This resulted in a percentage of trips travelling through M20 Junction 7 for each MSOA.

The example below shows the resulting distribution for MSOA Langley.

MSOA Langley	A229 (N)	A229 (S)	B2163 (W)	A274 (S)	Horseshoes Lane	Willington Street	M20 J7
2973 car or van	1283	0	454	221	239	776	665
	43.2%	0%	15.3%	7.4%	8.0%	26.1%	22.4%

M20 Junction 7 Contributions

Trips arriving at M20 Junction 7 for each site

For each site, the total trip generation for both peak hours was multiplied by the percentage of trips travelling through M20 Junction 7 of the MSOA the relevant site is located in. This resulted in the total trips – AM and PM peaks, arrivals and departures – that could be expected to impact on M20 Junction 7, either by joining the M20 at this point or continuing through the junction along the A249.

Assessment Review

The assessment was reviewed in detail and these are the findings:

- Trip generation: although the TRICS outputs the data is based on has not been made available, the trip rate data appears reasonable. The trip generation from the various Transport Assessments has correctly been reported in the assessment.
- In the original assessment, both the Land South of Sutton Road H1(10) site and the Maidstone School of Science and Technology were missing from the assessment. This was reported back to DHA and the revised assessment now includes those two sites.
- The census data has been checked and was found to be accurate.
- Spot checks have been carried out on the distribution assumptions with the distribution for the MSOA Langley where three of the large housing sites are located within being checked in detail. Whilst google journey times would indicate a slightly lower distribution via M20 Junction 7 and more via M20 Junction 8, local knowledge does not support this. Our review accordingly fully supports the assumptions in the assessment in terms of distribution.
- The calculation of the resulting trips through M20 Junction 7 is a simple multiplication of the total number of trips in both peak hours for each site by the distribution percentage of the MSOA they are located within.

Sites Identified

The number of trips through M20 Junction 7 from the sites contained in the assessment ranges from 0 to over 100 per peak hour. A cut-off criteria as to the minimum trips that should be considered, was discussed between DHA and MBC. This was also shared with HE. A threshold of 30 movements in either AM or PM peak was discussed for sites to be included for contribution purposes.

At a junction that has reached its capacity, such an hourly number of trips can lead to further deterioration of the junction performance. As such, and whilst there is no scientific basis for this number, it is not unreasonable to use 30 movements per peak hour as the criteria for a site to be included for contributing towards the improvements for M20 Junction 7.

The table below lists the sites that have been identified in the DHA assessment as having an impact of 30 movements in any peak hour or more on M20 Junction 7:

M20 Junction 7 Contributions

Site		AM	PM	Total
H1(10) Land South of Sutton Road	Arr Dep Total	21 61 82	63 38 101	183
Maidstone East and Sorting Office	Arr Dep Total	28 22 50	36 38 74	123
Lenham (broad location)	Arr Dep Total	15 34 50	35 22 57	107
H1 (8) West of Church Road	Arr Dep Total	11 26 37	26 17 43	80
H1(7) Land North of Bicknor Wood	Arr Dep Total	5 32 37	24 13 36	74
Maidstone School of Science and Technology	Arr Dep Total	47 25 72	0 0 0	72
Mote Road	Arr Dep Total	28 4 32	2 24 26	58

The above sites were considered in terms of when they are expected to come forward within the Local Plan period and whether there could be pooling issues with these sites:

Site	Description
H1(10) Land South of Sutton Road	Outline application approved in 2016, site expected to come forward within the next 5 years with reasonable certainty
Maidstone East and Sorting Office	Site has a temporary permission for the next 5 years, therefore unlikely to come forward until beyond 5+ years
Lenham (broad location)	Sites expected to come forward towards the latter part of the plan period, consists of a number of sites, there are therefore likely to be pooling issues attached to this site.
H1(8) West of Church Road	H1(8) is at a pre-application stage. No application has yet been submitted. It is set in the housing trajectory to be delivered in the first five year tranche.
H1(7) Land North of Bicknor Wood	Outline application approved in 2016, detailed application submitted in 2017, site expected to come forward within the next 5 years with reasonable certainty
Maidstone School of Science and Technology	Promotors aiming to complete school in time for the 2018 / 2019 academic year. The school has however been excluded from the list of schemes contributing to the M20 Junction 7 improvements due to both Highway Authorities' views (Highways England and Kent County Council) that there is a robust Travel Plan led approach in place which mitigates the impact of the school on this junction.
Mote Road	This site is at early pre-application stage and is a mixed office, residential and retail project in a 16 storey tower. The uses, mix and scale has not yet been considered by the LPA. On that basis it is not expected to come forward until years 6-10.

Based on the above, at this stage, the following sites should not be considered for contributing to the M20 Junction 7 improvements as they are unlikely to come forward in time, and would therefore delay the implementation of the improvements:

- Maidstone East and Sorting Office
- Lenham (broad location)

M20 Junction 7 Contributions

- Maidstone School of Science and Technology
- Mote Road

However, should the timing of any of the above sites change, they should be reconsidered.

Proportional Split of Contributions

The table below sets out the sites which should fund the M20 Junction 7 improvements, and based on the number of trips in both peak hours, the percentage contribution for each site.

Site	Total number of trips (AM and PM)	Percentage Contribution
H1(10) Land South of Sutton Road	183	54.3%
H1(8) West of Church Road	80	23.7%
H1(7) Land North of Bicknor Wood	74	22.0%
Total Trips	337	100.0%

Way Forward

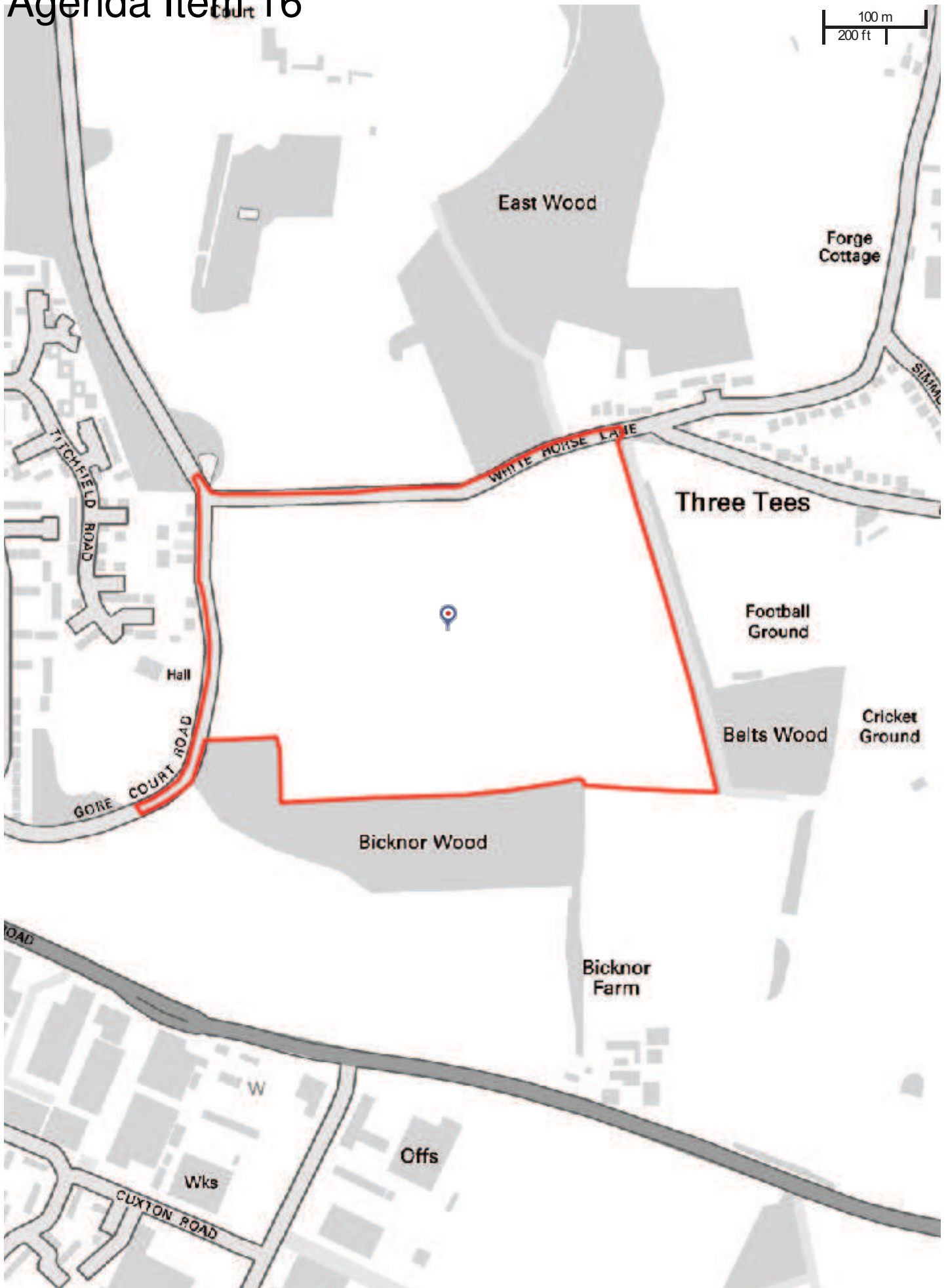
This note identifies the sites that should be funding the improvements required due to Local Plan development at M20 Junction 7.

Sites which are likely to come forward later in the Local Plan period, should presently be excluded. However, going forward, the list should regularly be reviewed, and if sites move towards implementation sooner than expected, they should be added to the list.

Furthermore, the current agreement with KIMS would remain in place with this scheme implementing the improvements as a fall-back position should their development reach 75% occupation prior to the above schemes being progressed.

If sites presently included on the list are not implemented in the timeframe expected or are not implemented at all, then the Local Plan related impact on M20 Junction 7 would occur later in the plan period and the contributions identified above should be spread onto sites which are expected to be developed later and are presently not included in the above.

Agenda Item 16



REPORT SUMMARY

REFERENCE NO - 15/509251/OUT			
APPLICATION PROPOSAL - Outline application for residential development with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access).			
ADDRESS - Land North of Bicknor Wood, Sutton Road, Maidstone, Kent			
RECOMMENDATION - Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions. (see Section 9 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION – The site is a strategic housing allocation H1(7) in the submitted Maidstone Local Plan 2016 (as modified by the Inspector’s Final Report (Regulation 25)).			
REASON FOR REFERRAL TO COMMITTEE – To consider ‘additional’ material considerations and a revised draft S106 legal agreement			
WARD Downswood & Otham	PARISH/TOWN COUNCIL Otham	APPLICANT: Bellway Homes AGENT: DHA Planning	
DECISION DUE DATE August 2017	PUBLICITY EXPIRY DATE 7/7/17	OFFICER SITE VISIT DATE Various site visits	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/507187/ENVSC R	Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure	EIA not required.	23/12/2015
15/506840/FULL	Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective)	Approved	26/2/2016
13/0951/FULL	Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works	Approved	
16/503775/FULL	Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.	Approved	18/1/17

MAIN REPORT

- 1.1. This Committee resolved to grant conditional consent for the proposal subject to a S106 legal agreement on 14th July 2016. Since then a number of material considerations have altered which are detailed in section 5 of this report and, moreover, the S106 has not been signed. The previous consolidated report is appended as is the latest draft of

the Section 106 agreement.

- 1.2. The primary purpose of this report is therefore to allow comprehensive consideration of all relevant material considerations and revised certain draft heads of agreement within the S106.
- 1.3 Therefore, this report's focus is on 'additional' material considerations and a revised draft S106 legal agreement subsequent to the 14th July 2016 committee report (appended).

2.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies: ENV6, ENV21, ENV26, ENV28, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1 (7), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM14, DM22, DM23, DM24, DM25, DM27, ID1
- Schedule of Proposed Main and Minor Modifications to the Regulation 19 Maidstone Borough Local Plan March 2017
- Kent Waste and Minerals Plan 2016
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

3.0 LOCAL REPRESENTATIONS

- 2.01 **Local Residents:** No additional representations received. However, no additional publicity exercise has been undertaken because the outline application has not changed.

4.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Relevant consultees were consulted in relation to iterations of the draft s106 legal agreement. Only altered responses are included

- 4.01 **West Kent Clinical Commissioning Group:** No objection, updated financial contribution or on-site provision to meet health care needs.
- 4.02 **Highways England:** Require a managed approach to the delivery of the part-signalisation of Junction 7, which allocates the funding of such improvements in a practical and equitable way.
- 4.03 **KCC Highways:** Have indicated that provision of a dedicate bus route from the site to Bearsted is not viable due to the small demand such a service would generate.

- 4.04 The **Housing Officer** has commented on the impact of the submitted affordable housing policy, DM13. His comments are incorporated in section 6.05 of this report.

All standard consultees were re-consulted shortly before this report was drafted. All relevant responses will be included in an update report.

5.0 APPRAISAL

Reasons for Referral Back to Planning Committee

- 5.1.1 As discussed earlier, this report considers both 'additional' material considerations and S106 heads.

- 5.1.2 The key material considerations relate to:

- Air quality update
- Waste and Minerals provision
- Boughton Lane Appeal advice
- Maidstone Submitted Local Plan

5.03 Air quality update

- 5.03.1 In April 2015, ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible. Those plans were deemed inadequate by ClientEarth who took the government back to the High Court in a Judicial Review. On 2 November 2016 the court ruled that the government's 2015 Air Quality Plan failed to comply with the Supreme Court ruling or relevant EU Directives and said that the government had erred in law by fixing compliance dates based on over optimistic modelling of pollution levels.

- 5.03.2 The responsibility for achieving EU limit values lies with central government (DEFRA) rather than Local Authorities although planning decisions are made on the basis of the national Air Quality Objectives (AQO) which are the same as the limit values. The assessment undertaken to inform this application has been undertaken in consultation with the Senior Scientific Officer (Environmental Protection) and a sensitivity test has been included which uses base year emission factors in the future year scenarios (i.e. assuming no improvement in emission factors) as a worst-case scenario. The overall effect of the development on local air quality is judged as being 'not significant' and sufficient mitigation would be secured by condition.

5.04 Waste and Minerals provision

The Kent Minerals and Waste Local Plan was adopted on 14 July 2016, seeking to safeguard the delivery of a suitable level of these natural resources over the plan period.

- 5.04.1 This is a site that is shown within the Minerals and Waste Plan as being within an area that has the potential to contain Kentish Ragstone, and is therefore sought to be safeguarded. Policy DM7 of the aforementioned plan sets out the circumstances in which planning applications for this type of development can be permitted, having regard to safeguarding requirements. Policy CSM5 relates to land-won mineral safeguarding, and seeks to ensure that resources are not sterilised by other development. Policy DM21 refers to incidental mineral extraction.

- 5.04.2 It is important to note that policy DM7 of the Kent Minerals and Water Local Plan states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of the seven listed criteria is met. Criteria 7 of the aforementioned policy is met where the development proposal *'constitutes development on a site allocated in the adopted development plan.'* Whilst the plan has not yet been formally adopted by the Council, the Local Plan Inspector has issued his Final Report and considers the site policy to be sound in the absence of the requirement for a minerals safeguarding criterion.
- 5.04.3 Whilst it is acknowledged that the County have requested that this site be included within the sites required to provide a Minerals Assessment, the Borough Council remain of the view that sites containing both Ragstone and Industrial Sands should be excluded from such a requirement. It is on this basis that no request has been made of the applicant to provide any assessment on minerals in this instance.
- 5.04.4 Whilst this site is identified within the Kent County Council Minerals and Waste Plan for safeguarding for minerals, given the strategic importance of the site for housing provision, the passage of time, and as the Borough Council are not seeking any Minerals Assessment for sites within this limestone formation, it is not considered that any further information or subsequent consideration is required to determine this application.

5.05 Boughton Lane Appeal advice

- 5.05.1 At the Planning Committee meeting on 14th July 2016 the legal officer advised members that the Boughton Lane/New Line Learning decision was not a material consideration in the determination of this planning application. Whilst it is correct that the Secretary of State's decision has been quashed by the Court with the consent of the parties, this was on a discrete basis relating to the approach taken to the Maidstone Borough-Wide Local Plan (2000) saved policy ENV32. No challenge was made to the Secretary of State's (or his Inspector's) conclusions in respect of traffic congestion, and so the Council does not accept that those findings were affected by the quashing of the decision.
- 5.05.1 As Members are no doubt aware, the appeal decision has been overtaken by events in that the site has been removed from the Local Plan by the Inspector in his Final Report. The South East sites have obviously been found sound.

5.06 Maidstone Local Plan (2011-2031) & Final Report

- 5.06.1 A critical material consideration is that since this application was last considered in July 2016, the Submitted Maidstone Borough Local Plan has made substantial progress towards adoption. The Examination in Public was held between October 2016 and January 2017. The Local Plan Inspector issued his Interim Findings on 22nd December 2016. Overall the draft Plan now has significant weight. The site specific allocation H1(7) was accepted by the Inspector who supported the allocation of development sites under Policy SP3 in the Interim Findings. In particular the Inspector supported the Council's position regarding necessary transport improvements to mitigate the impact of housing growth. The Inspector criticised the position of KCC obstructing the provision of sustainable transport measures on the A274. Policy H1 (7) was not proposed to be altered in the subsequent Proposed Main and Minor Modifications (March 2017)¹ which indicates that the Inspector considers H1(7) to be sound and legally compliant. Moreover, the Inspector's Final Report has now been received and

there are no significant modifications proposed which would prejudice the delivery of this housing allocation. As a consequence it is considered that Policy H1(7) should be afforded almost full weight in accordance with paragraph 216 to Annex 1 of the NPPF.

- 5.06.2 It should be noted that the site is the single largest housing allocation within the Submitted Local Plan. Delivery of this housing is an extremely important element of the Council's housing trajectory to meet objectively assessed housing need. This outline planning application has been carefully considered against the policy criteria set out in H1(7).

7.0 S106 HEADS

- Part-Signalisation of Junction 7 of the M20 Motorway
- Affordable Housing
- Health Contribution
- Additional Bus Services

7.1 Part-Signalisation of Junction 7 of the M20 Motorway

- 7.1.1 Highways England consider the proposal has a material impact on Junction 7 of the M20 and consider that it should contribute to a managed approach to the delivery of signalisation of this junction. They have previously stated:

“6.13 Highways England: We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario. In the absence of any timescales for the development of the Medical Campus M20 Junction 7 instigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place”.

- 7.1.3 Highways England consider that a ‘managed approach’ should be taken and have been reference to the statement of common ground drawn up for the Examination in Public of the Local Plan. They have indicated that they would object if the proposed development did not make a suitable contribution to the J7 works.
- 7.1.5 This Council, as local planning authority, does take a ‘managed approach’ both in terms of policy and practice. In effect, we have a clear strategy.
- 7.1.6 Policy DM21 ‘Sustainable Transport’ inter alia identifies the need for traffic signalisation at J7 (para 17.127 of the explanatory text) then refers to the need to work in partnership with the Highways Authorities and the Integrated Transport Strategy. It highlights the need for transport assessments in accordance with the NPPF.
- 7.1.7 Effectively, this means an area based approach to the planning and delivery of infrastructure is employed in that the specific improvements are identified in the Local Plan (together with the ITS and IDP) and through transport assessments, the impacts and so the apportionment can be identified.

7.1.8 Mott McDonald have been employed to undertake detailed analysis in line with this approach. A report is appended. Three sites have been identified as having a significant impact on J7 and with a reasonably high level of certainty of delivery in the next 6 years or so. Moreover, with developers. Therefore it is proposed to attach a Grampian condition requiring the developer to enter into a Section 278 Agreement under the 1980 Highways Act with Highways England securing a financial contribution toward J7. The apportionment of this substantial contribution would be based on the indicative percentages for the 3 schemes by Mott McDonald:-

- This site, namely, land south of Sutton Road, Local Plan reference H1 (10)
- Land north of Bicknor Wood H1 (7)
- Land west of Church Road, Otham H1 (8).

These are the sites currently with the greatest certainty of delivery and demonstrate the 'managed approach' in practice. However, given that the J7 improvement works may not be implemented for over 10 years then it may be that other allocated sites or windfall sites contribute in the fullness of time depending on the impact (as assessed in Transport Assessments) and timing.

7.1.9 It may also be the case that the 'medical' campus at J7 is built out earlier than anticipated. If such a future scenario were to happen then contributions could be taken to fund capacity improvements at roundabouts/junctions in close proximity to J7 for example.

7.2 Affordable housing

7.2.1 As Members will be aware, the previous resolution sought to provide 30% affordable housing with a 60/40 split between social rented and shared ownership tenure. Since the resolution last year, the Council have progressed with their local plan, and the policies and plan have been found sound subject to modifications. The Council's emerging Policy (DM13) requires the provision of a 70/30 split unless viability indicates otherwise. In the light of this policy, the applicants propose a 65/35 tenure split.

7.2.2 Clearly the delivery of affordable housing is a priority of the Council, and I would seek to adhere to the emerging policy where possible. However, in this instance, given the planning history of this site, and the fact there has been a previous resolution, I consider it acceptable that the applicant is proposing a 65/35 split in this instance, and no objection is therefore raised.

7.3 Health Contribution.

7.03.1 West Kent CCG has updated their request for financial contribution to meet the likely health needs of new residents of the development. While the number of houses is indicative, if it were 175 market units the contribution for health would be £180,072. Such a settlement would fulfil S106 requirements.

Public Transport

7.03.2 As with the land south of Sutton Road application (also on the agenda), the previously agreed bus service for Bearsted railway station cannot be delivered for commercial reasons. Therefore a head securing this is not proposed. However, one of the reasons why the Local Plan Inspector found the A274 residential allocations to be acceptable is that a new service to Maidstone East is proposed to capitalise on the new Thames Link services coming on stream in 2018. Therefore, I consider that monies are directed to the new service as part of a s106 head of agreement.

8.0 CONCLUSION

- 8.01 Having considered the 'updated' material planning considerations subsequent to the July 2016 Planning Committee together with the outstanding s106 heads my recommendation remains positive for the allocated residential site subject to the new heads and conditions. This is reinforced by the acceptance of this site as an allocation in the Inspector's Final Report.
- 8.02 Apart from the specific matters discussed, the heads of agreement and planning conditions are as reported to and resolved by Planning Committee in July 2016.
- 8.03 A considerable period of time has elapsed subsequent to this application being reported to Planning Committee in July 2016 with inter alia repercussions for strategic housing delivery. Therefore, I seek full delegated powers for both the necessary heads of agreement and planning conditions in order to deliver the specific matters discussed in this report.

9.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

1. Section 106 agreement with revised heads of agreement in relation to a financial contribution to signalisation works at Junction 7 of the M20 motorway; affordable housing tenure mix; financial contributions towards improved primary health care facilities in the local area; and a revised financial contribution toward improved bus services in the local area, (otherwise the heads of agreement are as resolved at the July 2016 Planning Committee).
2. That the Head of Planning and Development is able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by Planning Committee.

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

RESERVED MATTERS

1. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for each phase or sub-phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-

a. Layout b. Scale c. Appearance d. Landscaping

The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.

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

TIME LIMITS

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters to be made to the LPA within 4 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.

M20/JUNCTION 7

3. Prior to the completion of the 125th dwelling house, the applicant shall complete a section 278 Agreement under the Highways Act 1980 with Highways England which makes a significant contribution toward the part-signalisation of Junction 7 of the M20 motorway, the contribution will be proportional and apportioned with other schemes having a significant impact on the traffic flows at Junction 7.

Reason: Transport assessments have been undertaken which confirm that the development would have a significant impact on traffic flows at Junction 7 and in accordance with Policy DM71.

LANDSCAPING

4. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping located within the application site.
 - b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).
 - c) The provision of a 15m wide protective buffer zone along the entire western boundary of the site, excluding the access road, visibility splays and associated footways.
 - d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter fenced off in accordance with details to be submitted to and approved by the Local Planning Authority. The approved fencing shall be maintained thereafter.
 - e) The provision of a largely 40m wide minimum protective buffer zone along the entire eastern boundary of the site.
 - f) The provision of a protective buffer zone along the entire northern boundary of the site, excluding the access road, sight lines, and associated footways.
 - g) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
 - h) Proposed finished floor levels and contours
 - i) Works to necessary Public Rights of Way;
 - j) Car parking layouts;
 - k) Other vehicle and pedestrian access and circulation areas;
- Planning Committee Report
- l) Hard surfacing materials;
 - m) Written planting specifications;
 - n) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
 - o) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas including their long term management and maintenance

p) Implementation programme.

The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing.

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Reason: To ensure a satisfactory development in the interests of amenity.

5. All hard and soft landscape works submitted and approved pursuant to condition 1 (d) for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase.. The works shall be carried out prior to the occupation of any part of the development on that phase/sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

PLANTING

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is 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 external appearance to the development.

PHASING

7. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

ECOLOGY

8. Prior to the commencement of development of each phase or sub phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds and retained habitats including the stream and hedgerows) shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;

b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;

- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Times when specialist ecologists need to be present on site to oversee works;
 - f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.
- The works shall be carried out strictly in accordance with the approved details.

Reason: To protect and enhance biodiversity.

9. Prior to the commencement of development of each phase or sub phase an ecological design and management strategy (EDS) addressing habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long term management and maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

10. No development shall take place (including ground works, vegetation clearance) on each phase or sub phase, until a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" clearly depicted on a map
- Planning Committee Report
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

11. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 18 months from the date of the reserved matters planning consent, the ecological measures are set out in the Section six of the Bicknor Green, Land North of Bicknor Wood, Maidstone, Kent Ecological Appraisal (Ref:ECO4320.EcoApp.vf shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

LIGHTING

12. Details of a "lighting design strategy for biodiversity" for each phase of the site shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

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

Reason: In the interest biodiversity protection and visual amenity.

TREES

13. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

14. No development shall commence on any phase or sub-phase until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site. The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build. The development shall be implemented in accordance with the approved AIA unless otherwise agreed in writing by the LPA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

HEDGE PROTECTION

15. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

MATERIALS

16. The development, above ground level for the relevant phase or sub-phase, shall not commence for the relevant phase or sub-phase until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces 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.

ARCHAEOLOGY

17. The development shall not commence for the relevant phase or sub phase until a programme of archaeological work in accordance with a written specification and

timetable has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

SLAB LEVELS

18. The development above ground level shall not commence for the relevant phase or sub phase until details of the proposed slab levels and ridge heights of the buildings 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 unless otherwise agreed in writing by the Local Planning Authority.

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

CONTAMINATION

19. The development shall not commence for the relevant phase or sub phase until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that

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the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site.

Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of public safety and pollution prevention.

HIGHWAYS AND ACCESS

20. No construction above DPC level of each phase or sub phase of the development hereby permitted shall take place until details of the following highways, cycle route and footway improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling:

a) the treatment of the White Horse Lane between Gore Court Road and the new

access road;

b) the closure of Gore Court Road between the edge of the site and Sutton Road and replacement with PROW including footway and cycleway.

c) Closure of Gore Court Road at its junction with A274.

d) Closure of White Horse Lane between Gore Court Road and the approved site access, and replacement with PROW including footway and cycleway.

e) on-site footways (shall be constructed before the dwellings to which they serve are first occupied), including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude this accesses being opened up.

f) all footways, cycle routes and highways on site shall be constructed before the dwellings to which they serve are first occupied.

Reason: In the interests of good accessibility and sustainable travel.

CONSTRUCTION

21. No development of the site, phase or sub phase shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

i) working hours on site;

ii) the parking of vehicles of site operatives and visitors;

iii) the loading and unloading of plant and materials;

iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;

v) the storage of plant and materials used in constructing the development;

vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;

vii) wheel washing facilities;

viii) measures to control the emission of dust and dirt during construction;

ix) measures to control noise and vibration during construction;

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x) a scheme for the recycling or disposal of waste resulting from construction works.

xi) Code of Construction Practise.

Reason: In the interest of amenity.

JUNCTION IMPROVEMENTS

22. The access shall be constructed in accordance with the approved plan 10-T007 47A at the time of the development. Signalisation of the junction of A274 and Imperial Park, shall be carried out prior to occupation of any dwelling in accordance with details which have first been submitted to and approved in writing by the local planning authority in consultation with Kent Highways.

Reason: In the interests of highway safety.

RENEWABLE ENERGY

23. The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

NUMBER OF DWELLINGS

24. The number of dwellings shall not be more than 250.

Reason: In order to ensure satisfactory design and residential amenity.

DRAINAGE

25. No infiltration of surface water drainage into the ground at this site 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.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

26. Development shall not begin (with the exception of a haul road) until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

27. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall

include the arrangements for adoption by any public body or statutory undertaker, or Planning Committee Report
any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

FOUL WATER

28. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

The development shall be carried out in accordance with the approved schemes and timetable.

Reason: In the interest of pollution and flood prevention.

SUSTAINABLE TRAVEL

29. A Sustainable Travel Statement must be submitted to and approved from KCC Highways and the Local Planning Authority. It will include, as a minimum, the following measures, to be implemented prior to occupation:

Welcome Pack

1. A Welcome Pack available to all new residents as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
2. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
3. Approximate time it takes to walk or cycle to various local facilities
4. Site specific public transport information including up to date public transport timetables
5. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
6. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
7. Information on public transport season tickets and offers
8. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
9. Information on the health, financial and environmental benefits of sustainable travel
10. Discounted tickets for local buses and/or vouchers for bike maintenance/parts at local shops, to be negotiated.

Car Club

At least one parking bay to be allocated to a residential or publically accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided ideally available also to members not living in the development. Developer contribution shall include:

- i. Traffic Regulation Orders and Associated road markings/signage
- ii. Incentives for new residents to join the car club (£30 free driving credit per dwelling)
- iii. Lease of the vehicle(s) for the first 6 months.

Plug-in and low emission charging infrastructure

Domestic: Dwellings with dedicated off-street parking to be provided with charging points for low-emission plug-in vehicles.

Publicly Accessible (in development including 10 or more flats with no dedicated offstreet parking): at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the LPA and KCC).

Reason: In the interests of sustainable transport and the avoidance of pollution.

PROVISION OF BUS FACILITIES AND ACCESS

30. Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the

surrounding area and to improve quality and access to bus services along the A274 Sutton Road.

LIFETIME HOMES

31. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

DESIGN PRINCIPLES STATEMENT

32. No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development proposals shall be of a high standard of design and sustainability incorporating the use of vernacular materials taking their cue from the local context. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design.

APPROVED DRAWINGS

33. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 15042 –S101A – Site Location Plan; Drawing 15042 - C09A - Development Parameter Plan; Drawing 10-T007 47A - Proposed Highway Alignment; Drawing 10-T007 63B - Proposed Footway Arrangement.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

PUBLIC ACCESS TO OPEN SPACE

34. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

CRIME PREVENTATION

35. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention

EXTERNAL APPEARANCE

36. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation)

37. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent

DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.

The calculation should include:

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.
- The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs] The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

- No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. [The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.*]

Reason: to ensure the impact of the proposal upon air quality is mitigated.

INFORMATIVES:

37. Construction

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

38. Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

39. Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

40. Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

41. Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

42. The reserved matters must be reported back to the Planning Committee for consideration rather than dealt with under delegated powers.

Case Officer: Tim Chapman

REPORT SUMMARY

REFERENCE NO: 15/509251/OUT		
APPLICATION PROPOSAL: Outline application for residential development with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access).		
ADDRESS: Land North of Bicknor Wood, Sutton Road, Maidstone, Kent		
RECOMMENDATION: Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions. (see Section 9 of report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION The development is proposed in a sustainable location, which immediately adjoins an existing settlement and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted version of the draft Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE: <ul style="list-style-type: none"> • Departure from the Development Plan • Objection from Statutory Consultee • Referral from two Parish Councils. 		
WARD: Downswood & Otham	PARISH/TOWN COUNCIL: Otham	APPLICANT: Bellway Homes AGENT: DHA Planning
DECISION DUE DATE: 17/06/2016	PUBLICITY EXPIRY DATE: 10/06/2016	OFFICER SITE VISIT DATE: various site visits
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 15/507187/ENVSCR - Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure – EIA not required. 15/506840/FULL - Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective) – Approved. 13/0951/FULL - Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works – Approved. 14/506264/FULL – Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.		

MAIN REPORT

Members resolved to defer the application from Planning Committee on 7th July 2016 for further information to be provided on matters relating to highways and air quality issues. This version of the report consolidates the previous Urgent Updates where they alter the text of the main report. For ease of recognition, these alterations are highlighted in **bold and underlined**. Matters which have been the subject of Urgent Updates but do not alter the text of the original report are included as Appendix B. An additional Urgent Update report will be produced providing the information requested.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a parcel of agricultural (arable) land, of approximately 14 hectares in area, situated to the north of A274 Sutton Road, to the south of White Horse Lane and to the east of Gore Court Road, located on the south-eastern edge of Maidstone.
- 1.02 To the north the site is bound by White Horse Lane, surrounded by residential development along Gore Court Road and Church Road to the northeast and residential development along White Horse Lane to the northwest.
- 1.03 The eastern boundary of the site is defined by a mature tree lined hedgerow, surrounded by agricultural land with residential development along Honey Lane beyond.
- 1.04 There are no existing landscape features within the Site itself and well-established hedgerows along Gore Court Road and White Horse Lane provide a degree of visual enclosure. Bicknor Wood screens views from Imperial Park to the south, and along the eastern boundary an avenue of lime trees filters views from the east.
- 1.04 To the south of the application site is 'Bicknor Wood' – an area of woodland classified as Ancient Woodland. Immediately to the south of Bicknor Wood is the Imperial Park housing development of 186 houses (13/0951/FULL). This land is promoted by Bellway Homes and is currently under construction.
- 1.05 To the southeast is Bicknor Farm; this land is being promoted by Jones Homes and currently has a full planning application pending (14/506264/FUL) for the provision of 271 dwellings.
- 1.06 To the west the site is bounded by Gore Court Road, surrounded by residential development situated on the south-eastern edge of Maidstone. To the south west of the site is an open playing field associated with a community centre at the southern end of Titchfield Road.
- 1.07 The topography of the site is relatively flat, with a slight slope from the lowest point in the northwest corner to the highest point in the southeast corner.
- 1.08 The site adjoins the settlement boundary of Maidstone, located outside settlement confines, within the countryside. Within the Emerging Local Plan, the site has a residential allocation in draft MBLP policy H1(7).

2.0 PROPOSAL

- 2.01 **This is an outline application for residential development, together with areas of open space, landscaping and access. Access is to be considered in detail at this stage with all other matters reserved for future consideration. The development proposed more open space and more developable area than Policy H1 (7) which suggests the site is suitable for approximately 190 units with 3.99ha of open space, at a density of approximately 27 dwelling per hectare. The indicative scheme shows approximately 250 units with 5.8ha of open space and the suitable woodland and landscape buffers required by the policy. This leads to a density of 17.8 dwellings per hectare gross, 30.5 dwellings per hectare net**
- 2.02 The indicative plans submitted with the application seek to demonstrate that the site can accommodate this level of residential development, show a potential layout with the main access road to the west off Gore Court Road, entering the site via a tree lined avenue, looping around the site with a number of shared surface lanes running off with green lanes and private drives around the perimeter of the site. Landscape buffers are shown along the western, southern, eastern and northern boundaries, with an area of open space running through the centre of the site.
- 2.03 Vehicular access to the application site will be provided from Gore Court Road via Sutton Road and the Imperial Park development. The existing junction connecting Gore Court Road to Sutton Road will be closed off and the new Imperial Park junction will take cars off Sutton Road, through Imperial Park and onto Gore Court Road. A new priority junction is proposed to the southwest of the application site off Gore Court Road. This will allow vehicles to access Church Road via Gore Court Road and White Horse Lane via the proposed new route running through the application site.
- 2.04 As the proposed new route through the application site provides direct access to White Horse Lane and given the poor visibility at the existing White Horse Lane / Gore Court Road junction – the proposed development seeks to downgrade the western end of White Horse Lane; limiting this part of White Horse Lane to pedestrian and cyclists only.
- 2.05 Several landscape features comprising parts of the Site's physical fabric, would be modified or removed, as follows:
- Small areas of hedgerow will be removed to accommodate vehicular access to the Site from Gore Court Road and White Horse Lane. The majority of the perimeter hedgerow will be retained and reinforced.
 - A few small gaps would be made in the hedgerow along the northern and western
 - Boundaries of the Site to allow for pedestrian and cycle access.
 - The replacement of an arable field with residential land, public open space and a new woodland belt.
 - The existing junction between Gore Court Road and White Horse Lane will be altered with an approximate 100m section of White Horse Lane becoming closed to traffic and being used for cycle/pedestrian access only.
 - At its south western boundary, the original proposal involved the removal of a minor element of ancient woodland (Bicknor Wood) and 3 TPO trees in order to accommodate the widening of Gore Court Road and introduction of a footpath along this edge of the road

AMENDED PROPOSAL

- 2.06 As a consequence of consultation responses, particularly in regard to the outlook of local residents to the west of the site and the impact upon the ancient wood land, the proposal was amended in the following respects:

- Provision of a green buffer on the western boundary of the site, on Gore Court Road **of a width of 15m**;
- Provision of a footpath via the south eastern corner of the site, providing a more direct access south towards Sutton Road and access to public transport;
- A realignment of the proposed access road to the south west into the open space associated with the community building at the south of Titchfield Road;
- As a consequence of the proposed road realignment, the 3 TPO trees originally proposed for removal are retained and there is no loss of ancient woodland.

3.0 PLANNING HISTORY/BACKGROUND INFORMATION

- 3.01 The site was initially promoted through the call for sites submission undertaken by Maidstone Borough Council in 2013, supported within the Regulation 18 Local Plan Consultation undertaken in 2014 and subsequently included within the draft Maidstone Draft Local, which has been submitted to the Secretary of State for Independent Examination. Draft MBLP Policy H1(7) allocates Land North of the Bicknor Wood for the provision of approximately 190 dwellings at an average density of 27 dwellings per hectare.

Policy H1 (7)

North of Bicknor Wood, Gore Court Road, Otham

North of Bicknor Wood, as shown on the policies map, is allocated for development of approximately 190 dwellings at an average density of 27 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

The site will not be released until:

1. *Access from Sutton Road to Gore Court Road is completed in association with site H1(6) North of Sutton Road; and*
2. *A woodland belt ranging from a minimum of 40 metres to 80 metres in width linking the eastern section of Bicknor Wood to East Wood is planted.*

Design and layout

- 3 *An undeveloped section of land will be retained on the eastern part of the site.*
4. *Provision of a 15 metre wide landscape buffer along the site's boundary with Bicknor Wood incorporating a pedestrian route and cycle way, which will be constructed and planted before the occupation of the first dwelling.*
5. *Provision of a woodland belt ranging from a minimum of 40 metres to 80 metres in width to link the eastern section of Bicknor Wood to East Wood.*

Access

6. *Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*

Air quality

7. *Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

Open space

8. *Provision of approximately 3.99ha of open space within the site together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*

Highways and transportation

9. *Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
10. *Widening of Gore Court Road between the new road and White Horse Lane.*

Strategic highways and transportation

11. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
12. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
13. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
14. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
15. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor."*

- 3.02 An Environmental Screening Opinion for development of up to 300 dwellings and associated infrastructure (15/507187/ENVSCR) was submitted in September 2015 and confirmed an Environmental Impact Assessment is not required.
- 3.03 Two pre-application advice meetings were held with the Council in August and September 2015, which involved the input of Design South East as the Council's design advisors.

4.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies SSC2, ENV6, ENV21, ENV26, ENV28, ENV32 and ENV35; T2, T3, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Integrated Transport Strategy 2012-2026
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1(9), H1 (7), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1
- Agricultural land classification survey of m potential development sites in Maidstone Borough, Report 1030/1 21st November 2014.
- MBC Landscape Capacity: Site Assessments 2015

5.0 LOCAL REPRESENTATIONS

5.01 Approximately 70 representations have been received raising the following main (summarised) points:

- Development in the countryside.
- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Accumulated ancient woodland pressure.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Overdevelopment and amount of development.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Impact on the surrounding rural area.
- Loss of views.
- Loss of trees.
- Water and other infrastructure to support the living and lifestyle of these new homes.
- Increase in noise, light pollution and emissions.
- Flooding potential of site, Gore Court Road and White Horse Lane.
- Lack of capacity in local schools and doctor surgeries.
- Loss of agricultural land.
- Poor visibility on emerging from private driveways and access roads near Otham.
- Concerns about possible impact on ground nesting birds, most notably skylarks.

6.0 CONSULTATIONS

6.01 **Otham Parish Council** - Wish to see the application refused on the following (summarised) grounds and wish for the application to be reported to planning committee.

- The impact that the allocations will have on Otham.
- There is a need to preserve an area of green space on this side of Maidstone.
- Amount of development inappropriate.
- Capacity of surrounding roads.
- Impact on listed buildings.
- Increase risk of flooding.
- Inadequate protection for the ancient woodland.
- Shortage of surgeries, hospitals, schools and shops in the area.
- Previously refused application.

6.02 **Downswood Parish Council** - Wish to see the application refused on the following (summarised) grounds and wish for the application to be reported to planning committee.

- Impact on character of area.
- Impact on listed buildings.
- Sewage capacity.
- Traffic concerns.
- Rural activities will suffer as a result of development.
- Impact on ecology.

- The churchyard at St Nicholas is nearly full and therefore additional burial ground land will soon be required.
- Shortage of surgeries, hospitals, schools and shops in the area.
- Previously refused application.

6.03 **KCC Biodiversity** - have reviewed the information which has been submitted with the planning application and make the following comments:

MBC must be satisfied that the benefits of the proposed development clearly outweigh any potential deterioration of the ancient woodland within the site boundary. KCC Biodiversity have reviewed the mitigation and advise that the mitigation proposed is likely to reduce impacts from the proposed development on the area of ancient woodland and recommend that the production and implementation of a management and monitoring plan is approved as a condition of planning permission.

No breeding bird survey was carried out as part of the planning application and as the development (if granted) will result in a loss of an arable field we had concerns that it might be used by ground nesting birds. However the information provided by the applicant has satisfied us that there was no requirement for a breeding bird survey to be carried out.

KCC Biodiversity recommend that a detailed management plan and detailed lighting plan to be submitted with the reserved matters application and would expect the site layout for a reserve matters scheme (if granted) to demonstrate that the ecological enhancements will be incorporated in to the site.

6.04 **Natural England** – Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Spot Lane Quarry SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

6.05 **Environmental Health** – raise no objection subject to conditions and informatives attached if permission is granted.

6.06 **Kent Wildlife Trust** – raise no objection subject to the following recommendations:

- There is a site management plan submitted at reserved matters stage, supported by condition here at outline. This would clearly address any mitigation issues relating to habitats and species.
- A lighting strategy is conditioned in order to avoid any negative impact upon Bicknor Wood.

- 6.07 **Southern Water** - *Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.*

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable." And "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

- 6.08 **UK Power Networks** – raise no objection.
- 6.09 **Kent Police** - recommend condition imposed if planning permission is granted relating to crime prevention.
- 6.10 **Southern Gas Networks** – raise no objection.
- 6.11 **Rural Planning Ltd** – the development of the 6 ha BMV land here would be another cumulative loss of some significance to the area, albeit it may be fair to observe that so long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole.
- 6.12 **KCC Archaeology** – confirms the development is supported by a Desk-based Archaeological Assessment by CgMs. This DBA provides reasonable baseline information and in general I agree with their approach. The DBA has been passed to the HER for future reference. I recommend that the setting of the historic Gore Court parkland is sympathetically considered and that landscaping proposals enhance the historic character of Gore Court parkland and recommend that provision is made for a full programme of archaeological work and is secured by condition.
- 6.13 **KCC Transportation** - strongly objects to major residential-led development in this location on grounds which can be summarised accordingly:
- The allocation of the site in the emerging Maidstone Borough Local Plan is based on a development strategy that is not justified by proportionate evidence and is not consistent with national planning policy;
 - The residual traffic impact generated by the proposal would have adverse implications on the operation of the A229/A274 and A20 corridors, resulting in an unacceptable worsening of the extensive road congestion that is already prevalent;
 - A holding objection is therefore raised in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated; and

- Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

- 6.14 **Heritage, Landscape and Design** – confirm the Landscape and Visual Impact Assessment is considered acceptable in principle. They welcome the amendments that secure the three B grade mature trees (protected by TPO) and the avoidance of any loss of an area of ancient woodland.

The Council's Landscape Capacity: Site Assessments 2015 considers the site to have a moderate landscape capacity to accommodate housing and outlines the following characteristics and guidance:

Landscape Character Sensitivity:

- *Medium sized, arable field with limited character within itself, but borrowing a sense of place from a wider mosaic of woodland and parkland outside the site boundary*

Visual Sensitivity:

- *Woodland belts and parkland trees at Gore Court enclose the site and intercept views*
- *There would be some views from houses on the urban edge*

Landscape Value:

- *Ancient woodland belts, to the north, south and east of the site also mostly covered by TPO*
- *Public rights of way along northern and eastern boundaries of the site*
- *Gore Court to the north is a listed building*

Opportunities and Constraints:

- *Retain trees and woodland belts and integrate into a wider landscape framework to address cumulative effects*

Mitigation:

- *Build upon existing boundary tree planting to screen new development and provide a setting for public rights of way*
- *Consider the wider setting of Gore Court to the north.*

- 6.15 **KCC PROW & Access** - repairs and improvements to the surface of footpath KM87 could be requested due to its importance to new residents completing non-motorised journeys.

- 6.16 **Upper Medway IDB** –no comment.

- 6.17 **Arriva Bus Services** – have commented on the three current applications on the A274 (Bellway Homes, Jones Homes and Countryside Properties site). With regards to this application, Arriva state the development is shown as being accessed only from Gore Court Road and White Horse Lane. Due to its relatively small size it would be unable to support its own bus service therefore it is important good quality direct pedestrian paths are provided to bus stops on the A274 where frequent bus services will, ultimately, be available.

6.18 NHS S106 Request - seeks a health care contribution of £244,584.

In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Wallis Avenue Surgery
- Mote Medical Practice
- Northumberland Court
- Downswood Surgery
- Grove Park Surgery

The above surgeries are within a 1 mile radius of the development at Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

For this particular application the contribution has been calculated as such:

Predicated Occupancy Rates	Total Number in Planning Application	Total Occupancy	Contribution Sough (occupancy x £360)
1.4	6	8.4	£3,024
2	80	160	£57,600
2.8	90	252	£90,720
3.5	74	259	£93,240
			£244,584

NHS Property Services Ltd therefore seeks a healthcare contribution of £244,584, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

6.19 The Council's Conservation officer has no objection to the proposals.

6.20 Design South East

The Council's design advisors Design South East have considered the proposal on a number of occasions. The scheme was presented to the South East Design Panel at pre-application stage and they commented on the original submitted proposal as follows:

- *links to the adjoining new developments and Sutton Road are important.*
- *A substantial green corridor link on the western edge is important, especially if some minor loss of the ancient wood cannot be avoided. This will help enable a wildlife corridor to link the ancient wood to the wood to the north of the site.*
- *Agree the formal northern entrance, opening up the main entrance with more open space and introducing a more formal avenue as well.*
- *We suggest thinking through dog-walking circuits on the site to help avoid pressure on the ancient woodland.*
- *If a footpath winding beneath them could be designed, can the TPO trees be retained.*

Following revisions, they further considered the scheme on 26th May and had the following comments:

There have been very positive changes in response to the last surgery comments :

- *The main change is to the site red line to include land to enable a road access, which will now not need to take part of the Ancient Woodland or the 4 TPO trees. This is very positive.*
- *The site's west boundary now includes a buffer green area, again very positive. In the last surgery session however we suggested a green corridor through the site should connect to the Ancient Woodland on its west boundary. To take it just this one step further to complete the green link would be worthwhile achieving.*
- *We also suggested there could be a more formal housing arrangement at the entrance, echoing the formality of the second northern entrance. Could the two aims be combined?*
- *SUDS? Is the new soft rectangle next to the LEAP an informal depression open for playing or a more severe sloped SUDS feature likely to be unsympathetically fenced? If so could a better SUDS arrangement be found, such as distributing the water to the lower lying site edge? This space next to the LEAP could then be a very good informal kick about area.*
- *Strongly welcome the new footpath link to the adjoining land. However could it link to the end of the nearest access road, so families with children will naturally take it to walk down to the bus stops and schools?*

6.21 Lead Local Flood Authority

We note some revised details have been submitted for this development, however no further information regarding the site's drainage proposals has yet been provided, in particular information to demonstrate a suitable outfall for surface water from the site as stated in our previous consultation response dated 10th December 2015. If new information has been provided we would appreciate a direct link to the document(s). Based on the information available, KCC therefore are unable to remove our objection until a drainage strategy has been provided demonstrating adequate management of surface water for the proposed development via an outfall fully compliant with our Drainage and Planning Policy Statement.

6.22 **Highways England** have been consulted on the revised proposal. No comments have been received.

6.23 **KCC Education and Community Services** have requested the following contributions:

Primary Education:

- Langley Park Primary School construction: £964,000;
- Langley Park Primary School site acquisition: £651,092;

Secondary Education: £568,711;
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7674
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

Provision of wheel care homes as part of the affordable housing element;
Provision of on-site broadband (as reserved matters condition).

6.24 The Council's Park's Department commented as follows:

The proposal provides in excess of the minimum requirement of onsite open space as a whole. It proposes a LEAP in a central location on the site. There are however shortfalls in various categories, including allotments, sports pitches or recreations areas for different ages.

In order to cover the shortfall in terms of outdoor sports facilities and other open space, in line with MDLP Policy DM22 I would suggest that a financial contribution is sought towards existing offsite facilities, namely at Senacre Recreation ground.

7.0 APPRAISAL

Local planning policies – weight

7.01 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

- 7.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

- 7.03 Paragraph 216 of the NPPF states that,

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 7.04 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."

- 7.05 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(7) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

- 7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(7) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

Principle of Development

- 7.07 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.08 The application site is to the east of the defined settlement boundary of Maidstone. It is therefore upon land defined in the adopted Local Plan as countryside.
- 7.09 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 7.10 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the **adopted** Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.
- 7.11 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(7) which allocates the site for housing of approximately 190 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.

7.12 It is necessary therefore to consider three main issues in relation to the proposals.

1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policy ENV28;
2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;
3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(7)). Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside', limited weight should be accorded to that non-compliance, as the site is allocated for development in the draft MBLP. The proposal is considered to accord with the development plan in relation to other policies.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 8.05.

7.13 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that local planning authorities should;

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"

7.14 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.

- 7.15 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.16 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.17 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(7) of the emerging plan for development of approximately 190 dwellings and sets out the criteria to be met whereby planning permission would be granted.
- 7.18 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 7.19 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

Design Quality and the Quantum of Development

- 7.20 The illustrative proposal indicates a design providing a generous amount of green space and sensitive boundary treatment that will help to screen the development and set it attractively in the landscape. The proposed access road forms an axis through the scheme, with a clear hierarchy of roads provided from it. Footpaths have been used to maximise permeability to adjoining land while seeking to minimise impact upon wildlife. Overall the design appears high quality and in keeping with its setting.
- 7.21 Officers have been successful in negotiating a range of improvements to the proposal including:
- **The introduction of an additional landscape buffer of a minimum of 15m in width for the entire western edge of the site excluding the access road and associated footway;**
 - Provision of an addition footpath to the south eastern corner of the site;
 - Retention of 3 trees subject to a TPO and avoidance of loss of any ancient wood land.

- 7.22 The Council's design advisors Design South East have considered the proposal and are very positive about the improvements that have been negotiated.
- 7.23 **Draft MBLP Policy H1(7) suggests an allocation of approximately 190 dwellings. While the current housing application does not formally specify the number of dwelling, the indicative design shows a minimum of 250 dwellings. The indicative layout taken together with spatial requirements including open space and green buffers shows that the site is suitable for a greater amount of development than that put forward in Policy H1(7). In order to ensure a suitable level of development is not exceeded, a condition is suggested limiting the amount of development of up to 250 units. The proposal's delivery of housing is fully consistent with the policy priority to significantly boost the supply of housing in accordance with Paragraph 47 of the NPPF.**

Affordable Housing

- 7.24 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Draft MBLP policy DM13 is underpinned by draft MBLP policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and five other strategic housing sites (as set out in draft MBLP policies H1(5) to H1(10)). As such, as the site is an allocated housing site (draft MBLP policy H1(7)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.
- 7.25 It is acknowledged that policies contained within the draft MBLP do not carry full weight at this stage, as draft MBLP has been submitted to the Secretary of State, they should be accorded significant weight in the determination of this application. The Council, as local planning authority, has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.26 As such, it is considered appropriate to apply and accord significant weight to relevant draft MBLP policies to this application relating to an allocated housing site which would bring forward the implementation of a strategic housing site and would provide a significant proportion of the Council's strategic five-year housing supply. Whilst the application does not comply with saved policy ENV28, and may be considered a departure from the Development Plan, other material planning considerations must also be taken into account, including the delivery of much-needed affordable housing. A 30% affordable housing provision is acceptable in the circumstances. The housing officer accepts this proportion.

Visual/Landscape Impact

- 7.27 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 7.28 The immediate surrounding landscape is of a gentle spread of undulating land across

a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.

Landscape Character Impact

- 7.29 The developers have submitted a Landscape and Visual Impact Assessment as part of their application.
- 7.30 This report concludes that the proposed development would not give rise to any **Major** or **Major-Moderate** adverse landscape or visual effects. The Site benefits from a high level of visual containment and the development layout includes the provision of a minimum 40m width proposed woodland along the eastern boundary and a minimum 15m width landscape buffer adjacent to Bicknor Wood to the south of the Site. In terms of landscape character, there will be a **Minimal** effect to the Gore Court Farm LCA which means that overall, the fundamental qualities and characteristics of the surrounding landscape character and wider setting would prevail. In keeping with general planning policy assumptions, effects on landscape are presumed to be **Adverse**, although the addition of the proposed woodland belt would be a positive contribution to landscape character.

In terms of visual impacts, there will be a **Moderate** to **Slight** effect on the visual receptors immediately adjoining the Site. The effects on views are presumed to be **Neutral**, or on balance, **Adverse**, depending upon the screening effects of the proposed mitigation vegetation. Overall, there would be a Minimal effect on the village of Otham, and there are no views of the proposed development from the Conservation Area which means it would not have an impact on the special qualities and setting of this area. There would be no discernible views of the proposed development from wider areas and there would be no widespread visual effects up receptors beyond the immediate vicinity of the Site. For the vast majority of visual receptors within the study area there will be **Negligible** or no effect.

- 7.31 The proposed development has been designed to comply with the particular requirements set out in this policy, and has also responded sensitively to the surrounding landscape character in order to protect and retain existing characteristic landscape features. A comprehensive landscape and Green Infrastructure strategy is proposed which identifies opportunities and important assets of the Site in order to enhance these key features and introduce new public open space and recreation facilities
- 7.32 The provision of landscape and wildlife buffers, of varying widths, in line with policy H1(7) will help to screen the development from adjoining uses, helping to mitigate its impact. The provision of approximately 5.8 hectares of open space within the site will provide an open outlook and setting to the development and is line with Submission Draft Local Plan Policy DM22 *Publicly accessible open space and recreation*. Suitable financial mitigation is proposed to cover other elements of open space requirements not provided on site.
- 7.33 The landscape officer has considered the LVIA and concludes that it and the proposal is acceptable in terms of the proposals impact upon landscape character and in terms of the assessment provided in the MBC Landscape Capacity: Site Assessments 2015. Following the submission of amendments, the landscape officer considers the proposal to be acceptable in landscape terms, the proposal's impact on

the ancient woodland and TPO trees would be protected by one or more suitably worded planning conditions.

- 7.34 In conclusion while it is considered that the proposal conflicts with ENV28, it is not considered that the development harms the character and appearance of the area and no other considerations outweigh this conclusion.

Loss of agricultural land

- 7.35 The site consists of 14 ha of agricultural land of which about 6 ha towards the south-eastern corner of the field, is considered to be *"best and most versatile"* land, comprising Grade 3a (good quality) and Grade 2 (very good quality) in roughly equal proportions. The remainder of the site is indicated as poorer quality (Grade 3b). While the development of the 6 ha BMV land here would represent a cumulative loss of some significance to the area, as long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as a whole. It concludes that "while most of the land on the Malling social association is in the best and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it".
- 7.36 The loss of this agricultural land is a material planning consideration that engages paragraph 112 of the NPPF which states:
- "112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*
- 7.37 The Sustainability Appraisal (SA) for the Submitted Draft Local Plan (February 2016) identifies the site as being grade 2 agricultural land. Within the Summary, the SA identifies the significant loss of agricultural land in all considered alternatives (relevant are paras 3.4.33 and 3.3.12, which states *"There are negative effects on land use across all of the alternatives; with a significant loss in greenfield and agricultural land."*
- 7.37 Secondly the adopted Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a 'saved' policy and thus no longer applies.
- 7.38 Taking account of all these considerations, the proposed loss of agricultural land accords with the Development Plan, there being no saved policy addressing the issue. The harm caused by the loss of agricultural land is considered to be moderate and, in acceptable in policy terms, taking proper account of paragraph 112 of the NPPG and draft MBLP policy H1(7), which allocates the site for residential development and natural and semi-natural open space.

Highways Issues

- 7.39 Paragraph 32 of the NPPF states that all development which generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.40 The housing allocation Policy H1(7) of the Submission Version of the Local Plan sets out the following Highways and Transportation criteria required to gain planning permission:
6. *Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*
 9. *Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
 10. *Widening of Gore Court Road between the new road and White Horse Lane.*
 11. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
 12. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
 13. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
 14. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
 15. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor."*

All of the above elements are proposed in the scheme current before the Committee, **apart from;**

14. *Improvements to capacity at the A229/A274 Wheatsheaf junction*

This improvement is already fully funded as shown in the Apportionment table in Appendix Two. Not further funding is therefore required by the current proposal in this respect.

- 7.41 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites

and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

Existing Conditions

- 7.42 The A274 Sutton Road forms one of the major routes from areas to the south and east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.
- 7.43 Approximately 300m south west of the southwest corner of the site, Sutton Road becomes more urban in nature and this is reflected by the 30mph speed limit, which is introduced at this location together with street lighting.
- 7.44 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 7.45 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This includes the provision of a toucan crossing in the centre of the stagger and signposted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.
- 7.46 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 7.47 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 7.48 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.
- 7.49 The proposed road layout includes the closure of Gore Court Road at its junction with Sutton Road, in order to ensure primary vehicular access to the site is provided via the Imperial Park site .
- 7.50 KCC Highways has raised a holding objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.51 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all the information that has been submitted by the applicant's

transport consultant Icení and have considered KCC's response in detail. Furthermore, MM have liaised with Icení to clarify any outstanding matters.

7.52 The KCC response is dated 25 January 2016 and raises a holding objection based on the site being remote with limited scope "for local journeys to be undertaken by means other than the private car", the submitted Transport Assessment not containing appropriate assessments of the junctions affected by development traffic, the lack of mitigation proposed, and the "worsening delays for road users and local residents" resulting "in the increased use of minor roads as alternative routes".

7.53 Icení's Transport Note dated 17 May 2016 contains detailed assessments for the key junctions and proposes mitigation where increased delays and queuing was identified. The following junctions were assessed:

- A274 Sutton Road / Imperial Park, mitigation proposed in form of signalisation
- A274 Sutton Road / Willington Street / Wallis Avenue, mitigation proposed
- A274 Sutton Road / New Road, junction within capacity with development flows
- A274 Sutton Road / Horseshoe Lane, additional queuing limited and not considered severe
- A20 Ashford Road / Willington Street, impact of development flows shown to be minimal, no detailed assessment undertaken

A274 Sutton Road / Imperial Park

7.54 The modelling included in the Transport Note dated 17 May 2016 is based on the signalisation of this junction.

The results presented in the Transport Note show the practical reserve capacity in 2030 to reduce from 7.7% to 7.1% in the AM peak and -0.5% to -2.7% in the PM when comparing committed development and with development flows both tested with the proposed layout. Whilst the PM peak is marginally over the desirable limit in both scenarios, the difference in queue is small, increasing from 40.1 to 42.9pcu.

A274 Sutton Road / Willington Street / Wallis Avenue

7.55 The modelling included in the Transport Note dated 17 May 2016 is based on the following mitigation measures:

- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street; and
- The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;

The results presented in the Transport Note show the practical reserve capacity in 2030 to increase from -38.1% to -19.4% in the AM peak and -39.2% to -20.4% in the PM peak over the whole junction when comparing committed development with committed junction layout and with development flows with the above mitigation.

A274 Sutton Road / New Road

7.56 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be significantly below the desirable maximum of 0.85, rising from 0.50 to

0.54 in the AM peak and 0.35 to 0.38 in the PM peak when comparing committed development and with development flows both tested with the existing layout.

A274 Sutton Road / Horseshoes Lane

- 7.57 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be above the theoretical maximum of 1, rising from 1.14 to 1.25 in the AM peak and 0.60 to 0.68 in the PM peak for the right turn movement out of Horseshoes Lane when comparing committed development and with development flows both tested with the existing layout. The queuing in the AM peak increases from 17 to 23 vehicles.

- 7.58 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.59 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.
- 7.60 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32.
- 7.61 KCC Highways has raised a objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.62 As part of a combined package of A274 highways improvements provided in Appendix B, this proposal provides the following mitigation:
- Signalisation of A274 Sutton Road/Imperial Park;
 - £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
 - £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Please note these contributions are proposed to date and subject to further negotiations and resolution.

- 7.63 The above contributions equate to £2,938 per dwelling for Willington Street junctions improvements and £1,350 per dwelling for Bus Prioritisation along A274. Total £4,288 per dwelling Total £1,072,000
- 7.64 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.65 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.
- 7.66 As such the approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3. **Mitigation of the proposal includes measures such as bus priority junctions where buses can move to the front of the traffic queue at a traffic light junction; increasing road capacity through road widening and improvements to bus shelters, access and information in line with Policy T2.**

The Maidstone Borough-Wide Local Plan states: "Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by private cars. This shift is evidenced by policy restrictions on long-term (eg all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space" (the Maidstone Borough-Wide Local Plan Inspector's Report November 1999, Paragraph 6.2, Page 463).

- 7.67 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I have reviewed the proposed mitigation and concur with MM's analysis. **KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to**

demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF

7.68 Additional highways objections:

- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Poor visibility on emerging from private driveways and access roads near Otham

7.69 Response to the above objections:

With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created through Imperial Park. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.

7.70 The impact of additional traffic has been addressed in previous section of this report and is considered acceptable taking into account the mitigation measures proposed, including the signalisation of the Imperial Park, Sutton Road junction which will form the primary access to the site. No road safety issues have been identified by the highways authority.

7.71 The proposal provides additional footways and footpaths between the site and the A274 as well as providing a 5.5m wide road access including pedestrian pavements and considerably than the existing access via the southern end of Gore Court Road. The western section of White Horse Lane to the north of the site is proposed to be closed to vehicular traffic and would become a pedestrian and cycle route only. It is considered that the proposal would provide a safer environment for pedestrians and cyclists, with more direct and attractive routes to A274 to the South.

Drainage & Flood Risk

7.72 The site is within Zone 1 (Low Probability) - land assessed as having a less than 0.1% (1 in 1000) annual probability of river or sea flooding. The Environment Agency were consulted in August 2015, prior to the application being submitted and indicated that this site has a low probability of flooding, however there may be surface water drainage issues at this site. The EA also noted that they are no longer the statutory consultee for surface water drainage, a role which fell to KCC as Lead Local Flood Authority (LLFA). KCC Drainage consider that there is insufficient information to demonstrate that surface water is adequately managed. Information that is specifically required includes a drainage schematic which shows where the proposed attenuation basin is to be located, the assumed discharge point from the site and how the entirety of the developed area is to be managed not just the impermeable surfaces. While the lack of resolution of this issue is unfortunate, considering the

outline nature of the application I propose that this matter is addressed through a reserved matter condition.

Ecology

- 7.73 The site is bounded by Bicknor Wood to the south, and is in close proximity to East Wood to the north, both of which have been identified as ancient woodland. Safeguarding measures, including an appropriate buffer zone and compensation in the form of native planting, are set out to mitigate and compensate for any potential negative effects resulting from the proposals. No statutory or non-statutory designations are present within or adjacent to the site, whilst ecological designations in the wider area are considered sufficiently removed from the site such that no adverse effects to them are anticipated
- 7.74 **Habitats** - The site is dominated by a single, large arable field bordered by woodland, a line of trees and hedgerows. Part of the field was uncultivated at the time of survey and supported semi-improved grassland and ruderal species, which are also present at marginal areas of the arable field. Bramble thicket is also present along the southern site boundary. Sections of adjacent roads also fall within the site boundary.
- 7.75 **Fauna** - None of the trees present within the main site were considered to offer bat roosting potential. Hedgerows, the line of trees and adjacent off-site woodland forming the southern site boundary offer commuting and foraging opportunities for bats within the locality. During the bat activity surveys undertaken at the site a limited number of species and low levels of activity were recorded using the site. A site visit in August 2015 recorded a number of Badger latrines to be present, all located within the north-west corner of the site. As such, it is considered that the site is occasionally used by foraging Badger; however, no setts were recorded to be present. Hedgerows provide some limited potential for other mammals such as Hedgehog. Suitable habitat in the form of hedgerows and trees is present for nesting birds whilst no reptiles were recorded during the surveys undertaken.
- 7.76 **Enhancements.** The proposals offer opportunities for considerable biodiversity enhancements through the planting of a 40 metres minimum wide band of native trees and shrubs along the eastern site margin, the creation of an green buffers along the southern site margin, western and northern site boundaries, planting of new hedgerows comprising native species, provision of integrated bat and bird boxes, cut-throughs in garden fences for small mammals such as Hedgehog, and establishment of ecological management. It is considered that the proposals would deliver a substantial ecological benefit compared to the baseline situation.
- 7.77 The proposals represent an opportunity to provide increased connectivity between areas of woodland and ecological enhancements for a range of wildlife within the site and the local area. The proposed green buffers, to Bicknor Wood to the South and West and East are compliant with Natural England's standing advice and will help to minimise any adverse impact on its ecology, extending potential foraging areas and movement corridors. This would be reinforced by conditions restricting external lighting.
- 7.78 Evidence has been provided that appears to show the presence of skylarks on the site. KCC Ecology has commented on the material as follows:
"Information has been submitted by residents detailing that skylarks are present within the site. The applicants ecologists has reviewed the additional information and

have assessed that due to the size of the site there is only likely to be two skylark territories present within the site.

We advise that if planning permission is granted the proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site.

The proposed development will result in the creation of a vegetated buffer between the woodland and the development area. While this will not be used by nesting skylark (or other farmland birds) it may increase opportunities for foraging skylarks in adjacent habitats.

Due to the habitat requirements of ground nesting birds it is very difficult to mitigate for the loss of habitat within development proposals. We advise that MBC should be considering a strategic approach to addressing the loss of suitable ground nesting bird habitat as a result of housing developments across the whole district."

- 7.79 The proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site. The information submitted by the applicant's ecologist has detailed that due to the size of the development it will result in the loss of low numbers of potential skylark territories and KCC Ecology agree that due to the large area of suitable habitat within the surrounding area the loss of this site is unlikely to have a significant impact on the local skylark population.
- 7.80 The applicant would breach wildlife legislation if they killed/injured skylark or destroyed a nest during the construction period. The applicant has outlined within their ecology survey measures which if implemented would avoid killing/injuring breeding birds. Through the proposed condition for the precautionary mitigation MBC will be able to demonstrate measures which will avoid the killing/injury of skylark and / or destruction of skylark nests during the construction. That legislation provides protection and the applicants has satisfied me that appropriate avoidance/mitigation measures are acceptable in planning terms. In these circumstances it is not considered that the loss of habitat is sufficient to refuse planning permission.

Residential amenity

- 7.81 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.82 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 7.83 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density **broadly** in line with the Submission draft Local Plan policy H1 (7) of 27 DPH, I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation at the edges of the proposal will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by

this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

Community Infrastructure

- 7.86 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

The following contributions are proposed and considered to be compliant with Regulations 122 and 123:

Affordable housing

- 30% affordable housing provision including suitable wheelchair accessible provision.
- Provision of a minimum of 5.8 hectares of open space and management plan

Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

As currently drafted the Apportionment table suggests the following highway contributions;

- £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
- £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Heath care contribution of £244,584.

Primary Education:

- Langley Park Primary School construction: £964,000
- Langley Park Primary School site acquisition: £651,092

Secondary Education: £568,711
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7,674
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

Suitable financial mitigation is proposed to provide elements of open space requirements not provided onsite.

Improvements to PROW KM87 and off-site PROWs where identified.

8. CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan. However, the proposal delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. I consider that these considerations should outweigh the application's conflict with saved policy ENV28 and I do not consider that the proposal conflicts with saved policy ENV21.
- 8.2 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the adopted Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are yet to be fully considered but suitable mitigation for the development would need be achieved if the proposal was to be implemented. There are no objections from the Environment Agency on the grounds of flood risk. There are no overriding ecology objections or any other matters that result in an objection to the development. **As highlighted in 7.72, The LLFA object but this would be addressed by condition.**

- 8.3 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.
- 8.4 The development would be acceptable in terms of its impact on the landscape, biodiversity, the ancient woodland, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous agricultural and monocultural use of the site.
- 8.5 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from the saved policy **ENV28**. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 8.6 The proposal represents a high quality scheme in line with draft MBLP policy H1(7) and is considerably improved as a consequence of negotiations and amendments. Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.
- 8.7 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

9. RECOMMENDATION

DELEGATED POWERS be given to the Head of Planning and Development to grant permission SUBJECT TO the conditions as set out below, the Urgent Update(s) AND the completion of a suitably worded legal agreement ensuring the delivery of the highway improvements, together with all other Heads of Terms set out in the Urgent Update, to be negotiated and agreed upon in conjunction with the Head of Mid Kent Legal Services.

Condition will be provided in a published urgent update report prior to Committee.

9.2 Conditions

PROPOSAL: Outline application for a residential development with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access).

RESERVED MATTERS

1. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for each phase or sub-phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-

- a. Layout b. Scale c. Appearance d. Landscaping

The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.

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

TIME LIMITS

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters to be made to the LPA within 4 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.

LANDSCAPING

3. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

a) High quality detailed and structural landscaping located within the application site.

b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).

c) The provision of a 15m wide protective buffer zone along the entire western boundary of the site, excluding the access road, visibility splays and associated footways.

d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways.

e) The provision of a largely 40m wide minimum protective buffer zone along the entire eastern boundary of the site.

f) The provision of a protective buffer zone along the entire northern boundary of the site, excluding the access road, sight lines, and associated footways.

g) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;

h) Proposed finished floor levels and contours

i) Works to necessary Public Rights of Way;

j) Car parking layouts;

k) Other vehicle and pedestrian access and circulation areas;

l)Hard surfacing materials;

m)Written planting specifications;

n)Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);

o)Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas including their long term management and maintenance

p) Implementation programme.

The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure a satisfactory development in the interests of amenity.

4. All hard and soft landscape works submitted and approved pursuant to condition 1 (d) for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase.. The works shall be carried out prior to the occupation of any part of the development on that phase/sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

PLANTING

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is 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 external appearance to the development.

PHASING

6. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

ECOLOGY

7. Prior to the commencement of development of each phase or sub phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds

and retained habitats including the stream and hedgerows) shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

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

Reason: To protect and enhance biodiversity.

8. Prior to the commencement of development of each phase or sub phase an ecological design and management strategy (EDS) addressing habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term management and maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

9. No development shall take place (including ground works, vegetation clearance) on each phase or sub phase, until a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" clearly depicted on a map

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

10. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 18 months from the date of the reserved matters planning consent, the ecological measures are set out in the Section six of the Bicknor Green, Land North of Bicknor Wood, Maidstone, Kent Ecological Appraisal (Ref:ECO4320.EcoApp.vf shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

LIGHTING

11. Details of a "lighting design strategy for biodiversity" for each phase of the site shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

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

Reason: In the interest biodiversity protection and visual amenity.

TREES

12. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

13. No development shall commence on any phase or sub-phase until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site. The development shall be implemented in accordance with the approved AIA unless otherwise agreed in writing by the LPA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

HEDGE PROTECTION

14. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

MATERIALS

15. The development, above ground level for the relevant phase or sub-phase, shall not commence for the relevant phase or sub-phase until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces 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.

ARCHAEOLOGY

16. The development shall not commence for the relevant phase or sub phase until a programme of archaeological work in accordance with a written specification and timetable has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

SLAB LEVELS

17. The development above ground level shall not commence for the relevant phase or sub phase until details of the proposed slab levels and ridge heights of the buildings 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 unless otherwise agreed in writing by the Local Planning Authority.

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

CONTAMINATION

18. The development shall not commence for the relevant phase or sub phase until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that

the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of public safety and pollution prevention.

HIGHWAYS AND ACCESS

19. No construction above DPC level of each phase or sub phase of the development hereby permitted shall take place until details of the following highways, cycle route and footway improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling:

- a) the treatment of the White Horse Lane between Gore Court Road and the new access road;
- b) the closure of Gore Court Road between the edge of the site and Sutton Road and replacement with PROW including footway and cycleway.
- c) Closure of Gore Court Road at its junction with A274.
- d) Closure of White Horse Lane between Gore Court Road and the approved site access, and replacement with PROW including footway and cycleway.
- e) on-site footways (shall be constructed before the dwellings to which they serve are first occupied), including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude this accesses being opened up.
- f) all footways, cycle routes and highways on site shall be constructed before the dwellings to which they serve are first occupied.

Reason: In the interests of good accessibility and sustainable travel.

CONSTRUCTION

20. No development of the site, phase or sub phase shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
- ii) the parking of vehicles of site operatives and visitors;
- iii) the loading and unloading of plant and materials;
- iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
- v) the storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust and dirt during construction;
- ix) measures to control noise and vibration during construction;

x) a scheme for the recycling or disposal of waste resulting from construction works.

xi) Code of Construction Practise.

JUNCTION IMPROVEMENTS

21. The access shall be constructed in accordance with the approved plan 10-T007 47A at the time of the development. Signalisation of the junction of A274 and Imperial Park, shall be carried out prior to occupation of any dwelling in accordance with details which have first been submitted to and approved in writing by the local planning authority in consultation with Kent Highways

Reason: In the interests of highway safety.

RENEWABLE ENERGY

22. The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

NUMBER OF DWELLINGS

23. The number of dwellings shall not be more than 250.

Reason: In order to ensure satisfactory design and residential amenity.

DRAINAGE

24. No infiltration of surface water drainage into the ground at this site 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.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

25. Development shall not begin (with the exception of a haul road) until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

i. Surface water generated by this development (for all rainfall durations and intensities up

to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.

ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

iii. Appropriate allowances for climate change have been incorporated into design.

26. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall

include the arrangements for adoption by any public body or statutory undertaker, or

any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

FOUL WATER

27. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

The development shall be carried out in accordance with the approved schemes and timetable.

Reason: In the interest of pollution and flood prevention.

SUSTAINABLE TRAVEL

28. A Sustainable Travel Statement must be submitted to and approved from KCC Highways and the Local Planning Authority. It will include, as a minimum, the following measures, to be implemented prior to occupation:

Welcome Pack

1. A Welcome Pack available to all new residents as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
2. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
3. Approximate time it takes to walk or cycle to various local facilities
4. Site specific public transport information including up to date public transport timetables
5. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
6. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
7. Information on public transport season tickets and offers
8. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
9. Information on the health, financial and environmental benefits of sustainable travel
10. Discounted tickets for local buses and/or vouchers for bike maintenance/parts at local shops, to be negotiated.

Car Club

At least one parking bay to be allocated to a residential or publically accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided ideally available also to members not living in the development. Developer contribution shall include:

- i. Traffic Regulation Orders and Associated road markings/signage
- ii. Incentives for new residents to join the car club (£30 free driving credit per dwelling)
- iii. Lease of the vehicle(s) for the first 6 months.

Plug-in and low emission charging infrastructure

Domestic: Dwellings with dedicated off-street parking to be provided with charging points for low-emission plug-in vehicles.

Publicly Accessible (in development including 10 or more flats with no dedicated off-street parking): at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the LPA and KCC).

Reason: In the interests of sustainable transport and the avoidance of pollution.

PROVISION OF BUS FACILITIES AND ACCESS

29. Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road.

LIFETIME HOMES

30. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

DESIGN PRINCIPLES STATEMENT

31. No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design

APPROVED DRAWINGS

32. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 15042 –S101A – Site Location Plan; Drawing 15042 - C09A - Development Parameter Plan; Drawing 10-T007 47A - Proposed Highway Alignment; Drawing 10-T007 63B - Proposed Footway Arrangement.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

PUBLIC ACCESS TO OPEN SPACE

33. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be

placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

CRIME PREVENTATION

34. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention

EXTERNAL APPEARANCE

35. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

INFORMATIVES:

Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document “Planning Regulations for Waste Collections” which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There

should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure

system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Informative Waste to be taken off site Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- **Duty of Care Regulations 1991**
- **Hazardous Waste (England and Wales) Regulations 2005**
- **Environmental Permitting (England and Wales) Regulations 2010**
- **The Waste (England and Wales) Regulations 2011**

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

9.3 Section 106 Heads Of Terms

<u>Health Facilities - contribution of contribution of £244,584 (actual figure to be confirmed) towards health at at one of the following Wallis Avenue Surgery; Mote Medical Practice; Northumberland Court ; Downswood Surgery ; Grove Park Surgery</u>	<u>£978.34 Per dwelling</u>
<u>Primary Education</u> - <u>Langley Park Primary School construction: £964,000;</u> - <u>Langley Park Primary School site acquisition: £651,092;</u>	<u>£6,460 per dwelling</u>
<u>Open Space Mitigation £68,000 towards existing offsite facilities at Senacre Recreation ground</u>	<u>£272 per dwelling</u>
<u>Provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 2 Wheelchair Accessible Homes</u>	
<u>Provision of a minimum 5.8 hectares of public open space</u>	
<u>Secondary education: £568,711towards the third phase of the expansion of the Cornwallis School</u>	<u>£2274.84 per dwelling</u>
<u>Community learning £7,674 (Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);</u>	<u>£30.70 per dwelling</u>

<u>Youth Services £2,121</u> <u>(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby)</u>	<u>£8.49 per dwelling</u>
<u>Library bookstock £12,003</u> <u>(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)</u>	<u>£48.02 per dwelling</u>
<u>Social Care £13,470</u> <u>(Towards cost of providing additional services for this proposed development, namely: accessibility improvements to a Community Building local to the development where social care services are delivered by KCC or a third party.</u>	<u>£53.88 per dwelling</u>
<u>Landscape and Ecological Management Plan, to include:</u> <u>a) Description and evaluation of features to be managed.</u> <u>b) Aims and objectives of management.</u> <u>c) Management prescriptions for achieving aims and objectives.</u> <u>d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</u> <u>e) Details of the body or organisation responsible for implementation of the plan.</u> <u>f) Details of on-going species and habitat monitoring; and</u> <u>g) Provision for remedial measures.</u> <u>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</u>	
<u>TOTAL (excluding highways)</u>	<u>£10,126.27 per dwelling</u>

Highways

Appropriate contributions for highways mitigation as finalised under delegated authority on the basis of Appendix A.

Appendix A of the report seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a pro-rata basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

Significant highways and transport improvements, namely:

(please note these elements are subjection to further negotiations)

Highway contributions

- **£736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements**
- **£337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.**

Design Quality assurance

- **The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers (contribution toward the set of this committee).**

Appendix A

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 JULY 2016

Present: Councillor Perry (Chairman) and Councillors Brice, Clark, Cox, English, Harwood, Hemsley, Munford, Powell, Prendergast, Round, Mrs Stockell and Willis

Also Present: Councillor Newton

76. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Boughton and Hastie.

77. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Brice for Councillor Boughton
Councillor Willis for Councillor Hastie

78. **NOTIFICATION OF VISITING MEMBERS**

Councillor Newton indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251.

79. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

80. **URGENT ITEMS**

The Chairman advised the Committee that he had agreed to take the reports of the Head of Planning and Development relating to applications 15/509015 and 15/509251 as urgent items to avoid further delay. He had also agreed to take the update reports of the Head of Planning and Development as urgent items as they related to applications to be considered at the meeting.

81. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Prendergast said that, in the past, she had been a member of CPRE Kent which had commented on applications 14/506264, 15/509015 and 15/509251. However, she had not participated in CPRE Kent's discussions on these applications, and intended to speak and vote when they were considered.

82. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the reports of the Head of Planning and Development relating to applications 14/506264, 15/505906, 15/509015 and 15/509251.

83. EXEMPT ITEMS

RESOLVED: That the legal advice contained in the exempt Appendix to the reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251 be considered in public, but the information contained therein should remain private.

84. MINUTES OF THE MEETING HELD ON 30 JUNE ADJOURNED TO 7 JULY 2016

RESOLVED: That the Minutes of the meeting held on 30 June adjourned to 7 July 2016 be approved as a correct record and signed.

85. PRESENTATION OF PETITIONS

It was noted that a petition objecting to application 15/509015 had been presented to the adjourned meeting of the Committee held on 7 July 2015.

There were no other petitions.

86. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

15/503223 – PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

There were no updates in respect of these applications on this occasion.

87. DECLARATIONS OF PRE-DETERMINATION

The representative of the Head of Legal Partnership reminded Members that if they felt that they may have pre-determined any applications on the agenda, they should make a declaration to that effect.

Councillor Brice said that since she had spoken as a Visiting Member in support of application 15/505906 (Grafty Green Garden Centre) on a previous occasion, she would leave the meeting when it was discussed.

In response to a question by the representative of the Head of Legal Partnership, Councillor Mrs Stockell said that she did not think that she had pre-determined; she would listen to the discussion and then decide.

88. 15/505906 - DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS AND INFRASTRUCTURE, ERECTION OF 14 DETACHED BESPOKE DWELLINGS INCLUDING GARAGES WITH ANNEX ABOVE, TWO STOREY B1 OFFICE UNIT (5,515SQFT); TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - GRAFTY GREEN GARDEN CENTRE, HEADCORN ROAD, GRAFTY GREEN, KENT

Having stated that she had pre-determined this application, Councillor Brice left the meeting when it was discussed.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Quinn, the applicant, addressed the meeting.

It was noted that a £50,000 contribution in respect of the provision of a broadband connection to the wider village of Boughton Malherbe had been put forward by the applicants. However, the Officers maintained that such a contribution was not a policy requirement of the Council and did not meet the tests of the CIL Regulations, and should be prioritised instead towards providing an overall affordable housing contribution totalling £290,000. It was suggested that the provision of broadband would benefit the existing community and future occupiers of the development by reducing the need for car journeys and making the site and village more sustainable. The provision of the broadband connection could be dealt with outside the S106 legal agreement, with a corresponding £50,000 reduction in the affordable housing contribution, reinforced by an informative regarding its delivery.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the prior completion of a S106 legal agreement, including a reduced contribution of £240,000 towards affordable housing off-site having regard to the proposed provision of a broadband connection, the Head of Planning and Development be given delegated powers to grant permission subject to conditions and informatives. In making this decision, the Committee felt that the amended proposal was a sustainable approach to the use of this redundant brownfield site and that the benefits for the local community, economy, landscape and wildlife were sufficient to outweigh any disbenefit arising from the development proposals.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following summarised contributions:

- A contribution of £240,000 towards affordable housing provision off-site;
- A contribution of £33,053 towards the provision of primary education;
- A contribution of £18,864 towards NHS provision;
- A contribution of £22,050 towards off-site provision of public open space; and
- A contribution of £672 towards library book stock,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the second urgent update report, and the additional condition set out in the first urgent update report, with an additional informative as follows:

The Council expects to see the £50,000 reduction in the affordable housing contribution allocated towards the provision of the broadband connection for the benefit of the community.

2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement.

Voting: 12 – For 0 – Against 0 – Abstentions

89. 15/509015 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, TOGETHER WITH NON-RESIDENTIAL USES INCLUDING POTENTIALLY A1 (RETAIL), A3 (SALE OF FOOD AND DRINK ON THE PREMISES E.G. RESTAURANT), A4 (PUBLIC HOUSE), D1(A) (MEDICAL USE), D1(B) (CRECHE/DAY CENTRE/DAY NURSERY), OR B1 (OFFICE), UP TO 0.4 HA OF LAND RESERVED FOR C2 (RESIDENTIAL CARE), THE RESERVATION OF 2.1 HA OF LAND FOR PRIMARY EDUCATION (USE CLASS D1), PUBLIC OPEN SPACE IN THE FORM OF NATURAL GREEN SPACE, PLAY FACILITIES AND INFORMAL OPEN SPACE TOGETHER WITH LANDSCAPING, PARKING, FOOTPATH AND CYCLE LINKS AND THE NECESSARY SERVICING, DRAINAGE AND THE PROVISION OF NECESSARY UTILITIES INFRASTRUCTURE, WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS - LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Councillor Taylor-Maggio of Langley Parish Council (against), Mrs Etherington, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A financial contribution of £1,000.00 per dwelling towards the provision of health facilities at the Orchard Langley Surgery and/or Wallis Avenue Surgery OR the provision of on-site health facilities to be determined at reserved matters stage;
- A financial contribution of £5,625.00 per dwelling (assuming 1 Form Entry School required) for provision of a primary school on a site of a minimum of 1.2 hectares but cascade approach to allow for 2.1 hectares if the needs of the development requires it, through reserved matters process. If required the additional land to be provided at agricultural land value;
- A financial contribution of £750.00 per dwelling towards on or off-site community facilities, proposed as part of the development;
- The provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes;
- The provision of a minimum 19.77 hectares of public open space as shown on drawing number RD1557_PP_104 Rev. M;
- A financial contribution of £2,359.80 per dwelling towards the expansion of the Cornwallis Academy (secondary education);
- A financial contribution of £30.70 per dwelling towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees (community learning contribution);
- A financial contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees at the Fusion Café youth project (youth services contribution);
- A financial contribution of £48.02 per dwelling towards additional library book stock required to mitigate the impact of the new borrowers from this development;
- A financial contribution of £53.88 per dwelling towards the cost of providing additional services for this proposed development, namely accessibility improvements to a community building local to the development where social care services are delivered by KCC or a third party (social care contribution);
- The provision of a travel plan, public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan;
- A Landscape and Ecological Management Plan, to include:

Description and evaluation of features to be managed;

Aims and objectives of management;
 Management prescriptions for achieving aims and objectives;
 Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 Details of the body or organisation responsible for implementation of the plan;
 Details of on-going species and habitat monitoring; and
 Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;

- Appropriate financial contributions for significant highways and transport improvements to include the following elements that are subject to further negotiations:

A per dwelling contribution for the signalisation of Junction 7 of the M20;

A per dwelling contribution for bus prioritisation measures on the A274;

A per dwelling contribution for improvements to bus services to/from the site with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc.;

A per dwelling contribution for the improvement of the junction of Loose Road/Armstrong Road/Park Way;

A per dwelling contribution for the improvement of the junction of the A20 Ashford Road/Willington Street;

Improvements to the junction of the A274 Sutton Road/St Saviours Road as per condition 28;

Improvements to public footpath KH365 to a cycle track, surface of KH369, surface of KH365 and dedication as cycle link;

Connections to the existing cycle network from Park Wood to the town centre and by upgrading the PROW network to accommodate cycles;

A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park; and

The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.

Per dwelling contributions to be based on the South East Maidstone Highway Mitigation Apportionment Table attached as Appendix A to the report of the Head of Planning and Development subject to any subsequent amendments negotiated and agreed by the Head of Planning and Development acting under delegated powers.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a "development monitoring committee" prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this "development monitoring committee",

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the additional conditions set out in the first urgent update report (relating to air quality, retention of public open space and no development east of PROW 369), with the amendment of condition 3 as follows:

Condition 3 (Landscaping)

Add sub-section:

n) Landscape details shall include "green fingers" down to Langley Loch, screening to protect views from the A274 and B2163 and a wooded buffer zone next to the A274 with the retention of existing vegetation.

2. That the Head of Planning and Development be given delegated powers to negotiate and agree any subsequent amendments to the South East Maidstone Highway Mitigation Apportionment Table.
3. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement in respect of this application.

Voting: 5 – For 4 – Against 4 – Abstentions

FURTHER RESOLVED: That the Communities, Housing and Environment Committee be recommended to look at how the Sutton Road/Loose Road area can be built into any action plan for air quality mitigation having regard to the developments coming forward.

Voting: 12 – For 0 – Against 1 – Abstention

Councillor Round left the meeting after consideration of this application (8.20 p.m.).

90. 15/509251 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED VEHICULAR, PEDESTRIAN AND CYCLE ACCESS AND ASSOCIATED WORKS, INCLUDING PROVISION OF PUBLIC OPEN SPACE. (ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS) - LAND NORTH OF BICKNOR WOOD, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Barker, an objector, Councillor Aplin of Otham Parish Council (against), Councillor Greenhead of Downswood Parish Council (against), Mr Goodban, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - A financial contribution of £978.34 per dwelling towards the provision of health facilities at one of the following surgeries: Wallis Avenue Surgery, Mote Medical Practice, Northumberland Court, Downswood Surgery, Grove Park Surgery;
 - A financial contribution of £6,460.00 per dwelling towards the construction of Langley Park Primary School and Langley Park Primary School site acquisition;
 - A financial contribution of £272.00 per dwelling towards improvements to existing off-site open space facilities at Senacre Recreation Ground;
 - The provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 2 (two) Wheelchair Accessible Homes;
 - The provision of a minimum 5.8 hectares of public open space;
 - A financial contribution of £2,274.84 per dwelling towards the third phase of the expansion of the Cornwallis Academy (secondary education);
 - A financial contribution of £30.70 per dwelling towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees (community learning contribution);

- A financial contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees at the Fusion Café Youth project (youth services contribution);
- A financial contribution of £48.02 per dwelling towards additional library book stock required to mitigate the impact of the new borrowers from this development;
- A financial contribution of £53.88 per dwelling towards the cost of providing additional services for this proposed development, namely accessibility improvements to a community building local to the development where social care services are delivered by KCC or a third party (social care contribution);
- A Landscape and Ecological Management Plan, to include:

Description and evaluation of features to be managed to include the long term maintenance and management of the SUDS schemes located in the buffer zone to the southern boundary;
 Aims and objectives of management;
 Management prescriptions for achieving aims and objectives;
 Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 Details of the body or organisation responsible for implementation of the plan;
 Details of on-going species and habitat monitoring; and
 Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

- Appropriate financial contributions for significant highways and transport improvements to include the following elements that are subject to further negotiations:

A per dwelling contribution towards the A274 Sutton Road/Willington Street/Wallis Avenue junction improvements;
 A per dwelling contribution towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction;
 and
 A per dwelling contribution for improvements to bus services to/from the site with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc.

Per dwelling contributions to be based on the South East Maidstone Highway Mitigation Apportionment Table attached as Appendix A to the report of the Head of Planning and Development subject to any subsequent amendments negotiated and agreed by

the Head of Planning and Development acting under delegated powers.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a "development monitoring committee" prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this "development monitoring committee",

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the additional condition set out in the first urgent update report (relating to air quality) with the deletion of suggested condition 23 limiting the number of dwellings, the amendment of conditions 3, 13, 19 and 31 and an additional informative as follows:

Condition 3 (Landscaping) (amended)

Amend sub-section:

d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter fenced off in accordance with details to be submitted to and approved by the Local Planning Authority. The approved fencing shall be maintained thereafter.

Add sub-section:

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Condition 13 (Arboricultural Implications Assessment) (amended)

Add to the condition:

The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build.

Condition 19 (Highways and Access) (amended)

Amend sub-section:

e) On-site footways shall be constructed before the dwellings to which they serve are first occupied, including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude these accesses being opened up. The details of the new PROW shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

Reason: In the interests of good accessibility and sustainable travel and to ensure acceptable appearance through the site.

Condition 31 (Design Principles Statement) (amended)

Amend the condition to read:

No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development proposals shall be of a high standard of design and sustainability incorporating the use of vernacular materials taking their cue from the local context. The development shall be carried out in accordance with the approved details.

Additional Informative

The reserved matters must be reported back to the Planning Committee for consideration rather than dealt with under delegated powers.

2. That the Head of Planning and Development be given delegated powers to negotiate and agree any subsequent amendments to the South East Maidstone Highway Mitigation Apportionment Table.
3. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement in respect of this application.

Voting: 4 – For 4 – Against 4 – Abstentions

The Chairman used his casting vote in favour of approval.

Councillor Harwood left the meeting after consideration of this application (21.55 p.m.).

91. 14/506264 - RESIDENTIAL DEVELOPMENT OF 271 DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, ACCESS AND ASSOCIATED INFRASTRUCTURE (AMENDED 08.03.2016) - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Ms Lamb addressed the meeting on behalf of the applicant.

RESOLVED:

1. That the Planning Inspectorate be informed that if the applicant had not lodged an appeal against non-determination, the Council would have granted planning permission subject to the completion of a S106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.
2. That the S106 legal agreement would have provided the following:
 - The provision of 30% affordable residential units within the application site; the tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units);
 - A financial contribution of £798,095.00, as calculated in Appendix A to the report of the Head of Planning and Development, towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
 - A financial contribution of £365,850.00, as calculated in Appendix A to the report of the Head of Planning and Development, towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc., subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
 - A financial contribution of £611,243.84 towards the land acquisition costs for provision of a new school at Langley Park and £905,000.00 towards construction costs;

- A financial contribution of £37,453.72 towards the community facility being delivered as part of the new school at Langley Park;
 - A financial contribution of £533,904.75 towards the construction of a phase of extending the Cornwallis Academy, Maidstone;
 - A financial contribution of £13,012.28 towards libraries to address the demand from the development for additional book stock;
 - A financial contribution of £108,400.00 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground;
 - A financial contribution of £210,960.00 towards the upgrade of facilities as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice and Northumberland Court Surgery;
 - Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
 - A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
 - The establishment of a "development monitoring committee" to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
 - A financial contribution towards the setting up and running of this "development monitoring committee".
3. That the conditions that would have been imposed be as set out in the report of the Head of Planning and Development, as amended by the first urgent update report, and the additional conditions set out in the first urgent update report (relating to ducting, architectural detailing and air quality) with the amendment of conditions 8, 9 and 10 and an additional condition as follows:

Condition 8 (Landscape and Ecological Management Plan) (amended)

Add sub-section:

- l) Details of the management of an on-site play area.

Condition 9 (Landscaping) (amended)

Add sub-section:

v) Details of tree planting to create a strong boundary treatment to the immediate north of the site to create a landscape corridor between Bicknor Wood and Belts Wood.

Condition 10 (PROW KM94) (amended)

Prior to commencement of development, full details of the alignment of public footpath PROW KM94 together with surfacing material details shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: The submitted plan no 22663A/SK01 does not show the definitive alignment of the PROW and to ensure good quality connectivity and acceptable appearance through the site.

Additional Condition – On Site Play Area

Prior to the commencement of development full details of an equipped children's on-site play area to be provided as part of the public open space shall be submitted to and approved by the Local Planning Authority. The approved play area shall be available for use before the first occupation of the housing hereby permitted. The details shall include the location of the play area; and the arrangement and design of play equipment to be provided.

Reason: In order to ensure that the occupiers of the housing are provided with adequately set out and equipped play space for children.

Voting: 4 – For 1 – Against 6 – Abstentions

4. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement to be submitted to the Planning Inspectorate as part of the appeal process.

Voting: 10 – For 0 – Against 1 – Abstention

92. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

93. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

94. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.

Technical Note – M20 Junction 7 Contributions

Mott MacDonald was asked by Maidstone Borough Council (MBC) to assess which developments should contribute towards improvements for M20 Junction 7. No detailed scheme for this junction exists, however a part signalised improvement feasibility scheme was developed under KIMS. MBC are looking to apportion the costs of this scheme amongst the developments which have the greatest impact on this junction.

Advice is being sought from MBC to ensure funding for this junction is coming forward at the right time to mitigate the impact of Local Plan development. In the absence of funding from the Kent Institute of Medicine and Surgery (KIMS) which would still be required to implement the improvements at this junction should the level of development exceed 75% occupation (as per condition 21 of planning permission 16/507292), Highways England (HE) have asked for a “managed approach” to be led by MBC to ensure funding availability. The assessment put forward in this note should be seen as the first approach with the alternative of KIMS implementing the improvements as a fall-back position should their development reach 75% occupation.

This note sets out the schemes (except for KIMS) that should contribute and the percentage apportionment of the costs based on an overarching assessment. The approach taken in this note is based on the fact that mitigation is required at this junction to accommodate development as set out in the Local Plan, and that those developments with the greatest impact on this junction should be paying for such mitigation. As such, the approach described in this note is to satisfy HE’s request to secure funding for the junction.

In relation to Land South of Sutton Road H1(10), Paul Lulham of DHA has submitted an assessment to MBC reviewing all Local Plan development, and based on this, proposed a number of sites for inclusion. We have carried out a detailed review of this assessment and commented on it which led to it being revised. Our review is discussed in detail in the section below. In principle, we consider the assessment is now acceptable and sound, and its results contain the sites with the greatest impact on the junction.

The assessment takes a purely transport-related approach by considering the trip generation and distribution of each development. In order to establish the list of sites that should contribute and their percentage of contribution, the following also needs consideration:

- When within the Local Plan period is the site likely to come forward?
- Will the site be developed by a single or multiple developers with the latter potentially leading to pooling issues.

This note is set out as follows:

- Detailed review of DHA’s assessment
- Sites identified
- Proportional split of contributions
- Way forward

M20 Junction 7 Contributions

Detailed Review of DHA's Assessment

DHA's assessment is structured as follows:

- Sites to be considered
- Trip generation for each site
- Trip distribution for each Middle Layer Super Output Area (MSOA) based on Census 2011 data
- Trips arriving at M20 Junction 7 for each site based on the above.

These steps are discussed in more detail below:

Site to be considered

The assessment contains a list of all remaining Local Plan sites in Maidstone and surrounding area, i.e. in Maidstone's urban area and periphery. The list sets out the percentage of affordable units and the total units the allocations are for.

Trip generation for each site

Based on TRICS data, the assessment sets out the trip rates and trip generation for each development based on whether it is located in an urban or rural area split by "mixed private" and "mixed affordable" housing.

For sites where a Transport Assessment exists and is in the public domain (on planning portal linked to a planning application), the values from the individual Transport Assessments were taken.

The same approach was applied to employment and shopping/foodstore sites, using Transport Assessment data where these exist. For the Maidstone School of Science and Technology, the values from the Transport Assessment were used.

Trip distribution for each MSOA

Data for each MSOA was downloaded from the Origin – Destination Census 2011 data, location of usual residence and place of work by method of travel to work.

The trips undertaken by car ("Driving a car or van") were then routed across the network based on the area's location and all trips made from this area to their destinations, and percentages worked out. This resulted in a percentage of trips travelling through M20 Junction 7 for each MSOA.

The example below shows the resulting distribution for MSOA Langley.

MSOA Langley	A229 (N)	A229 (S)	B2163 (W)	A274 (S)	Horseshoes Lane	Willington Street	M20 J7
2973 car or van	1283	0	454	221	239	776	665
	43.2%	0%	15.3%	7.4%	8.0%	26.1%	22.4%

M20 Junction 7 Contributions

Trips arriving at M20 Junction 7 for each site

For each site, the total trip generation for both peak hours was multiplied by the percentage of trips travelling through M20 Junction 7 of the MSOA the relevant site is located in. This resulted in the total trips – AM and PM peaks, arrivals and departures – that could be expected to impact on M20 Junction 7, either by joining the M20 at this point or continuing through the junction along the A249.

Assessment Review

The assessment was reviewed in detail and these are the findings:

- Trip generation: although the TRICS outputs the data is based on has not been made available, the trip rate data appears reasonable. The trip generation from the various Transport Assessments has correctly been reported in the assessment.
- In the original assessment, both the Land South of Sutton Road H1(10) site and the Maidstone School of Science and Technology were missing from the assessment. This was reported back to DHA and the revised assessment now includes those two sites.
- The census data has been checked and was found to be accurate.
- Spot checks have been carried out on the distribution assumptions with the distribution for the MSOA Langley where three of the large housing sites are located within being checked in detail. Whilst google journey times would indicate a slightly lower distribution via M20 Junction 7 and more via M20 Junction 8, local knowledge does not support this. Our review accordingly fully supports the assumptions in the assessment in terms of distribution.
- The calculation of the resulting trips through M20 Junction 7 is a simple multiplication of the total number of trips in both peak hours for each site by the distribution percentage of the MSOA they are located within.

Sites Identified

The number of trips through M20 Junction 7 from the sites contained in the assessment ranges from 0 to over 100 per peak hour. A cut-off criteria as to the minimum trips that should be considered, was discussed between DHA and MBC. This was also shared with HE. A threshold of 30 movements in either AM or PM peak was discussed for sites to be included for contribution purposes.

At a junction that has reached its capacity, such an hourly number of trips can lead to further deterioration of the junction performance. As such, and whilst there is no scientific basis for this number, it is not unreasonable to use 30 movements per peak hour as the criteria for a site to be included for contributing towards the improvements for M20 Junction 7.

The table below lists the sites that have been identified in the DHA assessment as having an impact of 30 movements in any peak hour or more on M20 Junction 7:

M20 Junction 7 Contributions

Site		AM	PM	Total
H1(10) Land South of Sutton Road	Arr Dep Total	21 61 82	63 38 101	183
Maidstone East and Sorting Office	Arr Dep Total	28 22 50	36 38 74	123
Lenham (broad location)	Arr Dep Total	15 34 50	35 22 57	107
H1 (8) West of Church Road	Arr Dep Total	11 26 37	26 17 43	80
H1(7) Land North of Bicknor Wood	Arr Dep Total	5 32 37	24 13 36	74
Maidstone School of Science and Technology	Arr Dep Total	47 25 72	0 0 0	72
Mote Road	Arr Dep Total	28 4 32	2 24 26	58

The above sites were considered in terms of when they are expected to come forward within the Local Plan period and whether there could be pooling issues with these sites:

Site	Description
H1(10) Land South of Sutton Road	Outline application approved in 2016, site expected to come forward within the next 5 years with reasonable certainty
Maidstone East and Sorting Office	Site has a temporary permission for the next 5 years, therefore unlikely to come forward until beyond 5+ years
Lenham (broad location)	Sites expected to come forward towards the latter part of the plan period, consists of a number of sites, there are therefore likely to be pooling issues attached to this site.
H1(8) West of Church Road	H1(8) is at a pre-application stage. No application has yet been submitted. It is set in the housing trajectory to be delivered in the first five year tranche.
H1(7) Land North of Bicknor Wood	Outline application approved in 2016, detailed application submitted in 2017, site expected to come forward within the next 5 years with reasonable certainty
Maidstone School of Science and Technology	Promotors aiming to complete school in time for the 2018 / 2019 academic year. The school has however been excluded from the list of schemes contributing to the M20 Junction 7 improvements due to both Highway Authorities' views (Highways England and Kent County Council) that there is a robust Travel Plan led approach in place which mitigates the impact of the school on this junction.
Mote Road	This site is at early pre-application stage and is a mixed office, residential and retail project in a 16 storey tower. The uses, mix and scale has not yet been considered by the LPA. On that basis it is not expected to come forward until years 6-10.

Based on the above, at this stage, the following sites should not be considered for contributing to the M20 Junction 7 improvements as they are unlikely to come forward in time, and would therefore delay the implementation of the improvements:

- Maidstone East and Sorting Office
- Lenham (broad location)

M20 Junction 7 Contributions

- Maidstone School of Science and Technology
- Mote Road

However, should the timing of any of the above sites change, they should be reconsidered.

Proportional Split of Contributions

The table below sets out the sites which should fund the M20 Junction 7 improvements, and based on the number of trips in both peak hours, the percentage contribution for each site.

Site	Total number of trips (AM and PM)	Percentage Contribution
H1(10) Land South of Sutton Road	183	54.3%
H1(8) West of Church Road	80	23.7%
H1(7) Land North of Bicknor Wood	74	22.0%
Total Trips	337	100.0%

Way Forward

This note identifies the sites that should be funding the improvements required due to Local Plan development at M20 Junction 7.

Sites which are likely to come forward later in the Local Plan period, should presently be excluded. However, going forward, the list should regularly be reviewed, and if sites move towards implementation sooner than expected, they should be added to the list.

Furthermore, the current agreement with KIMS would remain in place with this scheme implementing the improvements as a fall-back position should their development reach 75% occupation prior to the above schemes being progressed.

If sites presently included on the list are not implemented in the timeframe expected or are not implemented at all, then the Local Plan related impact on M20 Junction 7 would occur later in the plan period and the contributions identified above should be spread onto sites which are expected to be developed later and are presently not included in the above.

Agenda Item 17



17/501449 Land North Bicknor Wood

Scale: 1:5000

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REPORT SUMMARY

REFERENCE NO - 17/501449/FULL			
APPLICATION PROPOSAL – Erection of 250 residential dwellings development with associated access, parking, public open space, drainage and landscaping.			
ADDRESS - Land North of Bicknor Wood, Sutton Road, Maidstone, Kent			
RECOMMENDATION - Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions. (see Section 9 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION – The site is a strategic housing allocation H1(7) in the submitted Maidstone Local Plan 2016 (as modified by the Inspector’s Final Report (Regulation 25)).			
REASON FOR REFERRAL TO COMMITTEE – <ul style="list-style-type: none">• Departure from the Development Plan• Referral from two Parish Councils.• Objection from Statutory Consultee			
WARD Downswood & Otham		PARISH/TOWN COUNCIL Otham	APPLICANT: Bellway Homes AGENT: DHA Planning
DECISION DUE DATE 5 th July 2017	PUBLICITY EXPIRY DATE 9/5/17	OFFICER SITE VISIT DATE Various site visits	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/509251	Outline application for residential	Resolved to be granted	17/7/16
15/507187/ENVSC R	Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure	EIA not required.	23/12/2015
15/506840/FULL	Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective)	Approved	26/2/2016
13/0951/FULL	Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works	Approved	
16/503775/FULL	Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.	Approved	18/1/17

MAIN REPORT

The current proposal is a detailed application for 250 dwellings on the site Land North of Bicknor Wood. The proposal is essentially consistent with the outline proposal (15/509251) for which Planning Committee resolved to grant planning permission on 14th July 2016.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a parcel of agricultural (arable) land, of approximately 14 hectares in area, situated to the north of A274 Sutton Road, to the south of White Horse Lane and to the east of Gore Court Road, located on the south-eastern edge of Maidstone.
- 1.02 To the north the site is bound by White Horse Lane, surrounded by residential development along Gore Court Road and Church Road to the northeast and residential development along White Horse Lane to the northwest.
- 1.03 The eastern boundary of the site is defined by a mature tree lined hedgerow, surrounded by agricultural land and sports pitches with residential development along Honey Lane beyond.
- 1.04 There are no existing landscape features within the Site itself and well-established hedgerows along Gore Court Road and White Horse Lane provide a degree of visual enclosure. Bicknor Wood screens views from the Imperial Park housing development to the south, and along the eastern boundary an avenue of lime trees filters views from the east.
- 1.05 To the south of the application site is 'Bicknor Wood' – an area of woodland classified as Ancient Woodland. Immediately to the south of Bicknor Wood is the Imperial Park housing development of 186 houses (13/0951/FULL). This land is promoted by Bellway Homes and is currently under construction.
- 1.06 To the southeast is Bicknor Farm; this land is being promoted by Jones Homes and currently has a full planning application pending (14/506264/FUL) for the provision of 271 dwellings.
- 1.07 To the west the site is bounded by Gore Court Road, surrounded by residential development situated on the south-eastern edge of Maidstone. To the south west of the site is an open playing field associated with a community centre at the southern end of Titchfield Road.
- 1.08 The topography of the site is relatively flat, with a slight slope from the lowest point in the northwest corner to the highest point in the southeast corner.
- 1.09 The site adjoins the settlement boundary of Maidstone, located outside settlement confines, within the countryside. Within the Emerging Local Plan, the site has a residential allocation in draft MBLP policy H1(7).

2.0 PROPOSAL

- 2.01 This is a full application for 250 residential dwellings, together with areas of open space, landscaping and access. The development proposes more open space and more developable area than Submitted Local Plan Policy H1 (7) which suggests the site is suitable for approximately 190 units with 3.99ha of open space, at a density of approximately 27 dwelling per hectare. The proposed development shows 250

dwelling with 5.7ha of open space and the suitable woodland and landscape buffers required by the H1(7) policy.

- 2.02 The plans submitted with the application seek to demonstrate that the site can accommodate this level of residential development, show a layout with the main access road to the west off Gore Court Road, entering the site via a tree lined avenue, looping around the site with a number of shared surface lanes running off with green lanes and private drives around the perimeter of the site. Landscape buffers are shown along the western, southern, eastern and northern boundaries, with an area of open space, including a LEAP, village pond and SUDs running through the centre of the site.
- 2.03 Vehicular access to the application site will be provided from Gore Court Road via Sutton Road and the Imperial Park development. The existing junction connecting Gore Court Road to Sutton Road will be closed off and the new Imperial Park junction will take cars off Sutton Road, through Imperial Park and onto Gore Court Road. A new priority junction is proposed to the southwest of the application site off Gore Court Road. This will allow vehicles to access Church Road via Gore Court Road and White Horse Lane via the proposed new route running through the application site.
- 2.04 As the proposed new route through the application site provides direct access to White Horse Lane and given the poor visibility at the existing White Horse Lane / Gore Court Road junction – the proposed development seeks to downgrade the western end of White Horse Lane; limiting this part of White Horse Lane to pedestrian and cyclists only.
- 2.05 Several landscape features comprising parts of the Site's physical fabric, would be modified or removed, as follows:
- Small areas of hedgerow will be removed to accommodate vehicular access to the Site from Gore Court Road and White Horse Lane. The majority of the perimeter hedgerow will be retained and reinforced.
 - A few small gaps would be made in the hedgerow along the northern and Western boundaries of the Site to allow for pedestrian and cycle access.
 - The replacement of an arable field with residential land, public open space and a new woodland belt.
 - The existing junction between Gore Court Road and White Horse Lane will be altered with an approximate 100m section of White Horse Lane becoming closed to traffic and being used for cycle/pedestrian access only.
 - At its south western boundary, the realignment of the proposed access road to the south west into Senacre recreation ground , the open space associated with the community building at the south of Titchfield Road;
 - As a consequence of the proposed road realignment, to accommodate the widening of Gore Court Road and introduction of a footpath along this edge of the road the 3 TPO trees and ancient woodland of Bicknor Wood are protected.
 - Provision of a footpath via the south eastern corner of the site, providing a more direct access south towards Sutton Road and access to public transport;
- 2.06 The proposal includes a range of housing types and materials with traditional two storey semi-detached and detached houses predominating. A range of materials

include Kentish ragstone on key prominent buildings, brick, tile hanging and weather boarding, clay tiles and slate tiles.

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies: ENV6, ENV21, ENV26, ENV28, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1 (7), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM14, DM22, DM23, DM24, DM25, DM27, ID1
- Schedule of Proposed Main and Minor Modifications to the Regulation 19 Maidstone Borough Local Plan March 2017
- Kent Waste and Minerals Plan 2016
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

4.0 LOCAL REPRESENTATIONS

4.01 Local Residents: objections on the following grounds:

- Increases in traffic congestion;
- Damage to road safety;
- Buffkyn way (access via Imperial Park) congested with parked cars;
- White Horse Lane should remain open;
- Pressures on local services including health, sewage, water, green space and schools;
- Damage to ecology;
- More appropriate alternative housing sites available;
- Site should not be housing;
- Site is good agricultural land;
- Effect on air quality and pollution;
- Welcome the inclusion of increased buffer to the Western edge of the site;
- Object to the closure of the junction of White Horse Land and Gore Court Road;
- No traffic access from the North;
- Would prefer a smaller development of large mansions;
- Density too high;
- Want a community hall;
- Proposed ragstone entrance walls will stop farm traffic;
- Conduct of Bellway;
- Change in character of Otham;
- Closure of Gore Court Road;
- Concerns over construction impact on amenity and wildlife
- Suggest vehicle access should be via Bicknor Farm
- Widen Gore Court Road.
- Poor visual impact of buildings and landscaping;
- Speed limit should be limited to 30 mph;
- Concern over future residential amenity from adjoining floodlighting of football pitches;

- 4.02 The agents for the owners of Bicknor Farm and Bicknor Wood have objected and suggest a rerouting of the highways access to the site via the Bicknor Farm site.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 Downswood Parish Council: object on the basis of highways impact, change in village character, impact on ecology, flooding and lack of infrastructure.
- 5.02 Otham PC: object on the basis that lack of community facilities, flooding, change in character and highways concerns.
- 5.03 UK Power Network: no objections
- 5.04 West Kent CCG: £202,392 required towards health facilities
- 5.05 Kent Police: no objection subject to condition
- 5.06 KCC rights of way: No objection subject to improvements to public footpaths KM87, KM88 and KM94 sought costing £31,680
- 5.07 KCC Flood: no objection subject to condition.
- 5.08 Southern Water. The proposal needs additional infrastructure to avoid flooding. As a consequence a condition is suggested to ensure such infrastructure is provided at an appropriate time.
- 5.09 MBC Parks and Leisure: Quantity and mix of open space is adequate and of a good mix. Long term management and maintenance will need to be provided.
- 5.10 KCC Highways have objected on the grounds of highways impacts, parking and lack of minerals and waste assessment. They require a turning head at the closed end of Gore Court Road. Pedestrian and cycle routes are seen as good.
- 5.11 Highways England consider the proposal has a material impact on Junction 7 of the M20 and consider that it should contribute to a managed approach to the delivery of signalisation of this junction.

All standard consultees were re-consulted shortly before this report was drafted. All relevant responses will be included in an update report

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Density, Design, numbers of units and amount of open space
 - Junction 7 signalisation
 - Air quality
 - Minerals provision
 - Affordable housing

- Health requirements
- Highways

6.02 Density, Design, number of units and amount of open space.

- 6.02.1 The proposed development puts forward 250 dwellings which exceeds the proposed allocation of 190 dwellings put forward in the Submitted local plan policy H1(7). The indicative layout underpinning 250 units was accepted when Committee resolved to grant permission in July 2014. Policy H1 of the Submitted Local Plan states that *“the dwelling yield ...is an estimate and the actual number of dwellings...could be higher or lower following the detailed consideration of a planning application”*. One local example of such a change is H1(9) Bicknor Farm, which was allocated for 335 dwellings in the Submitted Local Plan but granted permission for 271 units.
- 6.02.2 In regards to the amount of development and open space - policy H1(7) suggests 3.99 hectares of open space to be provided on site. The application site is 14.84 hectares in total with 5 hectares of open space and new woodland planting provided. A further 0.7 hectares of buffer land to the woodland is provided. If the ancient woodland buffer is excluded, the density is 17.65 dwellings per hectare. If you exclude the new woodland planting and just leave the open space, the development equates to 21 dwellings per hectare. Policy H1(7) requires a density of 27 dwellings per hectare. Accordingly the development fully accords and is below the suggested density of the emerging policy.
- 6.02.3 Acceptable dwelling numbers are a result of design-driven assessment. The proposal is considered to be an attractive and well-designed housing with the use of Kentish ragstone and other local vernacular materials. The density, height and massing of the proposal is considered acceptable. The proposal provides suitable buffers to the ancient woodland Bicknor Wood as well as to the east west and north of the site and provides 5.7 hectares of open space in total, as opposed to 3.99 hectares required by policy H1(7).
- 6.02.4 In terms of visual impact on landscape character, there will be a moderate to slight effect on visual receptors. The provision of extensive landscape buffers on all four sides of the development minimises the visual impact and no widespread visual impact.

6.03 Junction 7 Signalisation

- 6.03.1 As per the outline application at this site being reported back on this agenda, Highways England consider the proposal has a material impact on Junction 7 of the M20 and consider that it should contribute to a managed approach to the delivery of signalisation of this junction. They have previously stated:

“6.13 Highways England: We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario. In the absence of any timescales for the development of the Medical Campus M20 Junction 7 instigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place”.

- 6.03.2 Highways England consider that a 'managed approach' should be taken and have been reference to the statement of common ground drawn up for the Examination in Public of the Local Plan. They have indicated that they would object if the proposed development did not make a suitable contribution to the J7 works.
- 6.03.3 This Council, as local planning authority, does take a 'managed approach' both in terms of policy and practice. In effect, we have a clear strategy.
- 6.03.4 Policy DM21 'Sustainable Transport' inter alia identifies the need for traffic signalisation at J7 (para 17.127 of the explanatory text) then refers to the need to work in partnership with the Highways Authorities and the Integrated Transport Strategy. It highlights the need for transport assessments in accordance with the NPPF.
- 6.03.5 Effectively, this means an area based approach to the planning and delivery of infrastructure is employed in that the specific improvements are identified in the Local Plan (together with the ITS and IDP) and through transport assessments, the impacts and so the apportionment can be identified.
- 6.03.6 Mott McDonald have been employed to undertake detailed analysis in line with this approach. A report is appended. Three sites have been identified as having a significant impact on J7 and with a reasonably high level of certainty of delivery in the next 6 years or so. Moreover, with developers. Therefore it is proposed to attach a Grampian condition requiring the developer to enter into a Section 278 Agreement under the 1980 Highways Act with Highways England securing a financial contribution toward J7. The apportionment of this substantial contribution would be based on the indicative percentages for the 3 schemes by Mott McDonald:-
- This site, namely, land south of Sutton Road, Local Plan reference H1 (10)
 - Land north of Bicknor Wood H1 (7)
 - Land west of Church Road, Otham H1 (8).
- 6.03.7 These are the sites currently with the greatest certainty of delivery and demonstrate the 'managed approach' in practice. However, given that the J7 improvement works may not be implemented for over 10 years then it may be that other allocated sites or windfall sites contribute in the fullness of time depending on the impact (as assessed in Transport Assessments) and timing.
- 6.03.8 It may also be the case that the 'medical' campus at J7 is built out earlier than anticipated. If such a future scenario were to happen then contributions could be taken to fund capacity improvements at roundabouts/junctions in close proximity to J7 for example.

6.04 Air quality

- 6.04.1 In April 2015, ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible. Those plans were deemed inadequate by ClientEarth who took the government back to the High Court in a Judicial Review. On 2 November 2016 the court ruled that the government's 2015 Air Quality Plan failed to comply with the Supreme Court ruling or relevant EU Directives and said that the government had erred in law by fixing compliance dates based on over optimistic modelling of pollution levels.
- 6.04.2 The responsibility for achieving EU limit values lies with central government (DEFRA)

rather than Local Authorities although planning decisions are made on the basis of the national Air Quality Objectives (AQO) which are the same as the limit values. The assessment undertaken to inform this application has been undertaken in consultation with the Senior Scientific Officer (Environmental Protection) and a sensitivity test has been included which uses base year emission factors in the future year scenarios (i.e. assuming no improvement in emission factors) as a worst-case scenario. The assessment shows that the likely increase in emissions caused through the increase in road traffic would be negligible in all locations with the exception of the Wheatsheaf Junction where the likely increase is considered to be less than 1%. The overall effect of the development on local air quality is judged as being 'not significant' and sufficient mitigation would be secured by condition.

6.05 Minerals Provision

- 6.05.1 The Kent Minerals and Waste Local Plan was adopted on 14 July 2016, seeking to safeguard the delivery of a suitable level of these natural resources over the plan period.
- 6.05.2 This is a site that is shown within the Minerals and Waste Plan as being within an area that has the potential to contain Kentish Ragstone, and is therefore sought to be safeguarded. Policy DM7 of the aforementioned plan sets out the circumstances in which planning applications for this type of development can be permitted, having regard to safeguarding requirements. Policy CSM5 relates to land-won mineral safeguarding, and seeks to ensure that resources are not sterilised by other development. Policy DM21 refers to incidental mineral extraction.
- 6.05.3 It is important to note that policy DM7 of the Kent Minerals and Water Local Plan states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of the seven listed criteria is met. Criteria 7 of the aforementioned policy is met where the development proposal *'constitutes development on a site allocated in the adopted development plan.'* Whilst the plan has not yet been formally adopted by the Council, the Local Plan Inspector has issued his Final Report and considers the site policy to be sound in the absence of the requirement for a minerals safeguarding criterion.
- 6.05.4 Whilst it is acknowledged that the County have requested that this site be included within the sites required to provide a Minerals Assessment, the Borough Council remain of the view that sites containing both Ragstone and Industrial Sands should be excluded from such a requirement. It is on this basis that no request has been made of the applicant to provide any assessment on minerals in this instance.
- 6.05.5 Whilst this site is identified within the Kent County Council Minerals and Waste Plan for safeguarding for minerals, given the strategic importance of the site for housing provision, the passage of time, and as the Borough Council are not seeking any Minerals Assessment for sites within this limestone formation, it is not considered that any further information or subsequent consideration is required to determine this application.

6.06 Affordable housing

- 6.06.1 As Members will be aware, the previous resolution under the outline application at the site sought to provide 30% affordable housing with a 60/40 split between social rented and shared ownership tenure. Since the resolution last year, the Council have progressed with their local plan, and the policies and plan have been found sound subject to modifications. The Council's emerging Policy (DM13) requires the provision

of a 70/30 split unless viability indicates otherwise. In the light of this policy, the applicants propose a 65/35 tenure split.

- 6.06.2 Clearly the delivery of affordable housing is a priority of the Council, and I would seek to adhere to the emerging policy where possible. However, in this instance, given the planning history of this site, and the fact there has been a previous resolution, I consider it acceptable that the applicant is proposing a 65/35 split in this instance, and no objection is therefore raised.

6.07 Health Contribution.

- 6.07.1 West Kent CCG has updated their request for financial contribution to meet the likely health needs of new residents of the development. For the proposed number and mix of units the contribution for health would be £180,072. Such a settlement would fulfil S106 requirements.

6.08 Submitted Local Plan Update

- 6.08.1 Since this application was last considered by Committee, the Submitted Maidstone Local Plan has made substantial progress towards adoption. The Examination in Public was held towards the end of 2016 and the Inspector's interim report issued at the end of the year. Overall the draft Plan now has significant weight. The site specific allocation H1(7) was accepted by the Inspector, who supported the allocation of development sites under Policy SP3. In particular the Inspector supported the Council's position regarding necessary transport improvements to mitigate the impact of housing growth. The Inspector criticised the position of KCC obstructing the provision of sustainable transport measures on the A274. Policy H1 (7) was not proposed to be altered in the subsequent proposed Modifications March 2017 which means the Inspector considers H1(7) to be sound and legally compliant. As a consequence Policy H1(7) has almost full weight. This application has been carefully considered against the policy criteria set out in H1(7).
- 6.08.2 It should be noted that the site is a significant housing allocation within the Submitted Local Plan. Delivery of this housing is an extremely important element of the Council's housing trajectory to meet objectively assessed housing need. If this site were not allocated for housing, the Council would be unlikely to meet its five year housing land supply obligations and there is distinct possibility that the Local Plan would be found unsound.

6.09 Drainage

- 6.09.1 Southern Water have objected to the proposal on the basis of the lack of detail for addressing sewage and drainage capacity and have suggested a pre-commencement condition. However there is an obligation upon Southern Water to provide such capacity as part of their own responsibilities. A relevant court case has upheld (Barratt Homes Ltd vs Dwr Cymru Cyfyngedig (Welsh Water (2009) UKSC 13) that any developer has the right to connect to a public sewer under Section 106, and that right cannot be denied because it might cause a nuisance. This decision sets out that Grampian conditions should not be used to prevent an impact upon the drainage system merely as a result of the undertaker failing to provide sufficient capacity. Given this court ruling, while Southern Water would be a consultee for the relevant discharge of condition application, it would not be reasonable for them to object to the proposal on the basis that they had failed to provide sufficient capacity within the network. In my opinion the condition Southern Water suggests does not meet the tests required for planning conditions. As a consequence, I recommend that the suggested

condition is altered to avoid Southern Water having, in effect, a veto on the development. They will be consulted on any relevant discharge of conditions application and their views will be fully considered by the Local Planning Authority in making a decision. The proposed development is required to meet the drainage, flooding and sewage needs it creates and this condition will ensure that.

6.10 Neighbour objections

- 6.10.1 The vast majority of objections have already been raised and addressed in the previous committee report (appended).
- 6.10.2 The suggestion to upgrade the existing village hall or provide a new one on site has been raised by a number of local residents, who consider Otham Village Hall to be inadequate and that the proposed development should provide a new village hall. Policy DM23 requires new community facilities where need is generated and no spare capacity exists. As well as Otham Village Hall referred to, the Langley Park development within walking distance to the South of the A274 includes a new community facility. No community facilities were required when the relevant outline proposal was considered by Committee in July 2016. In addition no specific evidence has been put forward to justify improvements to the existing hall. It is not acceptable in planning terms for the new development to fund existing deficiencies. Indeed there is an argument that the influx of new residents will make the existing village hall more well used and thus more financially sustainable.
- 6.10.3 Given the above, I do not consider that there is a sufficient justification in planning terms that the development should be required to make a contribution to these community facilities.

6.11 Highways and parking issues

- 6.11.1 The previous transport assessment assessed the impact of a 300 dwelling proposal and showed an acceptable impact. This was accepted by committee when it considered a virtually identical scheme in July 2016. The detailed analysis of the relevant issues is included within the appended July 2106 committee report, which I do not repeat here.
- 6.11.2 The developers have accepted the provision of a suitable contribution to Junction 7 signalisation. The precise details of the costs and split between relevant development is not available at the time of drafting this report and will be explained in an urgent update report.
- 6.11.3 **Parking:** 409 car parking spaces are proposed for 250 dwellings. KCC require a minimum of 504 car parking spaces. The applicant has responded that:
- Analysis of existing car ownership in this part of Maidstone indicates that in the region of 250 parking spaces would be required.
 - That in addition to the 409 parking spaces accepted as such by KCC, there are an additional 41 tandem parking spaces and 176 garage spaces, providing in total 626 possible parking spaces.
- 6.11.4 I have analysed the relevant evidence, including the residential parking standard DM27. While the proposal does not meet the proposed standard, given the availability of additional parking in the form of tandem and garage spaces, I consider

that the proposal is unlikely to lead to an unsustainable increase in uncontrolled parking and is acceptable.

6.11.5 Alternative vehicle access

6.11.5.1 I do not consider the suggestion that the proposal is accessed via Bicknor Farm is practical and acceptable given the following:

- The likely significantly negative impact on the ancient woodland;
- The potential effects on deliverability of the proposal, given that access would be in the control of a third party;
- Such an approach would not be in line with the H1(7) allocation which requires access via H1(8) Imperial Park.

6.12 Public Transport

6.12.1 As with the land south of Sutton Road application (also on the agenda), the previously agreed bus service for Bearsted railway station cannot be delivered for commercial reasons. Therefore a head securing this is not proposed. However, one of the reasons why the Local Plan Inspector found the A274 residential allocations to be acceptable is that a new service to Maidstone East is proposed to capitalise on the new Thames Link services coming on stream in 2018. Therefore, I consider that monies are directed to the new service as part of a s106 head of agreement.

7.0 CONCLUSION

7.01 The proposal represents an acceptable development and while not entirely in accordance with policy in respect of unit numbers and parking, I consider that the development is acceptable in planning terms subject to conditions and a completed S106 agreement. I do not propose to repeat points made in respect of the previous outline planning application 15/509251 which remain valid.

8.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- Community learning being £30.70 per Dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Libraries being £48.02 per Dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Social care being £53.88 pre dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Youth services being £8.49 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Primary education being £4,000 per house and £1,000 per flat 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Primary education land acquisition being £2,701.63 per house and £675.41 per flat

50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);

- Secondary education being £2,359.80 per house and £589.95 per flat 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Highways being £1,350.00 and £2,945.00 per Dwelling prior to commencement;
- A proportionate contribution will be provided for Junction 7 of M20 works with the exact figure to be agreed through discussions between the Council, Highways England, County Council and the applicant.
- Open space being £272.00 per Dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis). This is for an off-site open space;
- NHS healthcare being £360.00 per person whereby persons are calculated on the number of bedrooms in open market housing units 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis); and
- Bus service £1,793.75 per dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis) & to include contributions towards the new service to Maidstone East train station.

Schedule 4 (Affordable Housing)

- 30% of the dwellings in the Development must be affordable housing units.
- Tenure is split 65% affordable rented and 35% shared ownership.

Schedule 5 (Public Open Space)

- The First Owner and the Second Owner must provide at least 5.7ha on the Site as public open space in perpetuity. A plan showing such must be submitted and approved prior to commencement.

Schedule 6 (Traffic Displacement)

- A traffic displacement contribution of £113 per dwelling shall be paid (as appropriate). Prior to occupation of 50%, 75% and 95% of the dwellings there shall be further second, third and fourth monitoring surveys undertaken and reported to the Council and no further occupation allowed until any mitigation has been carried out.

Schedule 7 (Development Monitoring)

- Prior to the submission of details a development monitoring committee must be established.
- That the Head of Planning and Development is able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by Planning Committee.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions and legal agreement set out below and, secondly, that the Head of Planning and Development is able to settle or amend any necessary heads of agreement and planning conditions in line with the matters set out in the recommendation and as resolved by planning committee.

TIME LIMIT

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.

LANDSCAPING

2. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping located within the application site.
 - b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).
 - c) The provision of a 15m wide protective buffer zone along the entire western boundary of the site, excluding the access road, visibility splays and associated footways.
 - d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter boundary treatment provided in accordance with details to be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be maintained thereafter.
 - e) The provision of a largely 40m wide minimum protective buffer zone along the entire eastern boundary of the site.
 - f) The provision of a protective buffer zone along the entire northern boundary of the site, excluding the access road, sight lines, and associated footways.
 - g) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
 - h) Proposed finished floor levels and contours
 - i) Works to necessary Public Rights of Way;
 - j) Car parking layouts;
 - k) Other vehicle and pedestrian access and circulation areas;
- Planning Committee Report
- l) Hard surfacing materials;
 - m) Written planting specifications;
 - n) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
 - o) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas including their long term management and maintenance
 - p) Implementation programme.

The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing.

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Reason: To ensure a satisfactory development in the interests of amenity.

3. All hard and soft landscape works submitted and approved pursuant to condition 2 for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase. The works shall be carried out prior to the occupation of any part of the development on that phase or sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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. The play area shall not thereafter be used for any other purpose other than as a play area.

Reason: To ensure a satisfactory development in the interests of amenity.

M20/JUNCTION 7

4. Prior to the completion of the 125th dwelling house, the applicant shall complete a section 278 Agreement under the Highways Act 1980 with Highways England which makes a significant contribution toward the part-signalisation of Junction 7 of the M20 motorway, the contribution will be proportional and apportioned with other schemes having a significant impact on the traffic flows at Junction 7.

PLANTING

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is 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 external appearance to the development.

ECOLOGY

6. Prior to the commencement of development (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds and retained habitats including the stream and hedgerows) shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

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

Reason: To protect and enhance biodiversity.

7. Prior to the commencement of development an ecological design and management strategy (EDS) addressing habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term management and maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

8. No development shall take place (including ground works, vegetation clearance), until a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" clearly depicted on a map
- Planning Committee Report
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Detailed protective species mitigation strategies.

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

Reason: In the interests of ecological preservation.

9. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 18 months from the date of the planning consent, the ecological measures are set out in the Section

six of the Bicknor Green, Land North of Bicknor Wood, Maidstone, Kent Ecological Appraisal (Ref:ECO4320.EcoApp.vf shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

LIGHTING

10. Details of a "lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

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

Reason: In the interest biodiversity protection and visual amenity.

TREES

11. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

12. No development shall commence until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the

British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;

- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site. The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build. The development shall be implemented in accordance with the approved AIA unless otherwise agreed in writing by the LPA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

HEDGE PROTECTION

13. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

MATERIALS

14. The development, above ground level, shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The materials and architectural detailing shall incorporate elements of the local vernacular, for example, ragstone, tile hanging and weatherboarding although these can be utilised employing a contemporary architectural idiom.

Reason: To ensure a satisfactory appearance to the development.

SLAB LEVELS

15. The development above ground level shall not until details of the proposed slab levels and ridge heights of the buildings 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 unless otherwise agreed in writing by the Local Planning Authority.

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

CONTAMINATION

16. The development shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by

the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that

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the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site.

Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of public safety and pollution prevention.

HIGHWAYS AND ACCESS

17. No occupation of the development hereby permitted shall take place until details of the following highways, cycle route and footway improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling:

a) the treatment of the White Horse Lane between Gore Court Road and the new access road;

b) the closure of Gore Court Road between the edge of the site and Sutton Road and replacement with PROW including footway and cycleway.

c) Closure of Gore Court Road at its junction with A274 and provision of suitable turning head

d) Closure of White Horse Lane between Gore Court Road and the approved site access, and replacement with PROW including footway and cycleway.

e) on-site footways (shall be constructed before the dwellings to which they serve are first occupied), including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude this accesses being provided

f) all footways, cycle routes and highways on site shall be constructed before the dwellings which they serve are first occupied.

Reason: In the interests of good accessibility and sustainable travel.

JUNCTION IMPROVEMENTS

18. The access shall be constructed in accordance with the approved plan 10-T007 47A at the time of the development. Signalisation of the junction of A274 and Imperial Park, shall be carried out prior to occupation of any dwelling in accordance with details which have first been submitted to and approved in writing by the local

planning authority in consultation with Kent Highways.

Reason: In the interests of highway safety.

RENEWABLE ENERGY

19. The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

DRAINAGE

20. No infiltration of surface water drainage into the ground at this site 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.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

21. Development shall not begin (with the exception of a haul road) until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

22. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

FOUL WATER

23. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. Construction of the development shall not commence until details of the proposed means of foul and surface

water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved schemes and timetable.

Reason: In the interest of pollution and flood prevention.

SUSTAINABLE TRAVEL

24. A Sustainable Travel Statement must be submitted to and approved by the Local Planning Authority, who will consult the Local Highways Authority. It will include, as a minimum, the following measures, to be implemented prior to occupation:

Welcome Pack

1. A Welcome Pack available to all new residents as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
2. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
3. Approximate time it takes to walk or cycle to various local facilities
4. Site specific public transport information including up to date public transport timetables
5. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
6. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
7. Information on public transport season tickets and offers
8. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
9. Information on the health, financial and environmental benefits of sustainable travel
10. Discounted tickets for local buses and/or vouchers for bike maintenance/parts at local shops, to be negotiated.

PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE

25. Prior to occupation, details of charging points for low emission vehicles shall be submitted to and approved by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved measures detailed in this condition have been provided.

Reason: In the interests of sustainable transport and the avoidance of pollution.

PROVISION OF BUS FACILITIES AND ACCESS

26. Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road.

APPROVED DRAWINGS

27. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 15042 – C09B, C05E, C06D, C07E, C08E, S201, S202A, P201, P202A, C201, P205A, P206, P207A, P208, P209, P210, P211A, C203A, C204, C205, C206, C207, C208, C209A, P215, P216, P217, P218.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

PUBLIC ACCESS TO OPEN SPACE

28..The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

CRIME PREVENTATION

29. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention

EXTERNAL APPEARANCE

30. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

PHASING

31. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

INFORMATIVES:

32.Construction

CONSTRUCTION

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

No development of the site, phase or sub phase shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
- ii) the parking of vehicles of site operatives and visitors;
- iii) the loading and unloading of plant and materials;
- iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;

- v) the storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
 - vii) wheel washing facilities;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) measures to control noise and vibration during construction;
- Planning Committee Report
- x) a scheme for the recycling or disposal of waste resulting from construction works.
 - xi) Code of Construction Practise.

Reason: In the interest of amenity.

33. Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

34. Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

35. Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

36. Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our

website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

37. No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, Six weeks notice would be necessary to process this.

38 The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

39 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

40. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Case Officer: Tim Chapman

M20 Junction 7 Contributions

Technical Note – M20 Junction 7 Contributions

Mott MacDonald was asked by Maidstone Borough Council (MBC) to assess which developments should contribute towards improvements for M20 Junction 7. No detailed scheme for this junction exists, however a part signalised improvement feasibility scheme was developed under KIMS. MBC are looking to apportion the costs of this scheme amongst the developments which have the greatest impact on this junction.

Advice is being sought from MBC to ensure funding for this junction is coming forward at the right time to mitigate the impact of Local Plan development. In the absence of funding from the Kent Institute of Medicine and Surgery (KIMS) which would still be required to implement the improvements at this junction should the level of development exceed 75% occupation (as per condition 21 of planning permission 16/507292), Highways England (HE) have asked for a “managed approach” to be led by MBC to ensure funding availability. The assessment put forward in this note should be seen as the first approach with the alternative of KIMS implementing the improvements as a fall-back position should their development reach 75% occupation.

This note sets out the schemes (except for KIMS) that should contribute and the percentage apportionment of the costs based on an overarching assessment. The approach taken in this note is based on the fact that mitigation is required at this junction to accommodate development as set out in the Local Plan, and that those developments with the greatest impact on this junction should be paying for such mitigation. As such, the approach described in this note is to satisfy HE’s request to secure funding for the junction.

In relation to Land South of Sutton Road H1(10), Paul Lulham of DHA has submitted an assessment to MBC reviewing all Local Plan development, and based on this, proposed a number of sites for inclusion. We have carried out a detailed review of this assessment and commented on it which led to it being revised. Our review is discussed in detail in the section below. In principle, we consider the assessment is now acceptable and sound, and its results contain the sites with the greatest impact on the junction.

The assessment takes a purely transport-related approach by considering the trip generation and distribution of each development. In order to establish the list of sites that should contribute and their percentage of contribution, the following also needs consideration:

- When within the Local Plan period is the site likely to come forward?
- Will the site be developed by a single or multiple developers with the latter potentially leading to pooling issues.

This note is set out as follows:

- Detailed review of DHA’s assessment
- Sites identified
- Proportional split of contributions
- Way forward

M20 Junction 7 Contributions

Detailed Review of DHA's Assessment

DHA's assessment is structured as follows:

- Sites to be considered
- Trip generation for each site
- Trip distribution for each Middle Layer Super Output Area (MSOA) based on Census 2011 data
- Trips arriving at M20 Junction 7 for each site based on the above.

These steps are discussed in more detail below:

Site to be considered

The assessment contains a list of all remaining Local Plan sites in Maidstone and surrounding area, i.e. in Maidstone's urban area and periphery. The list sets out the percentage of affordable units and the total units the allocations are for.

Trip generation for each site

Based on TRICS data, the assessment sets out the trip rates and trip generation for each development based on whether it is located in an urban or rural area split by "mixed private" and "mixed affordable" housing.

For sites where a Transport Assessment exists and is in the public domain (on planning portal linked to a planning application), the values from the individual Transport Assessments were taken.

The same approach was applied to employment and shopping/foodstore sites, using Transport Assessment data where these exist. For the Maidstone School of Science and Technology, the values from the Transport Assessment were used.

Trip distribution for each MSOA

Data for each MSOA was downloaded from the Origin – Destination Census 2011 data, location of usual residence and place of work by method of travel to work.

The trips undertaken by car ("Driving a car or van") were then routed across the network based on the area's location and all trips made from this area to their destinations, and percentages worked out. This resulted in a percentage of trips travelling through M20 Junction 7 for each MSOA.

The example below shows the resulting distribution for MSOA Langley.

MSOA Langley	A229 (N)	A229 (S)	B2163 (W)	A274 (S)	Horseshoes Lane	Willington Street	M20 J7
2973 car or van	1283	0	454	221	239	776	665
	43.2%	0%	15.3%	7.4%	8.0%	26.1%	22.4%

M20 Junction 7 Contributions

Trips arriving at M20 Junction 7 for each site

For each site, the total trip generation for both peak hours was multiplied by the percentage of trips travelling through M20 Junction 7 of the MSOA the relevant site is located in. This resulted in the total trips – AM and PM peaks, arrivals and departures – that could be expected to impact on M20 Junction 7, either by joining the M20 at this point or continuing through the junction along the A249.

Assessment Review

The assessment was reviewed in detail and these are the findings:

- Trip generation: although the TRICS outputs the data is based on has not been made available, the trip rate data appears reasonable. The trip generation from the various Transport Assessments has correctly been reported in the assessment.
- In the original assessment, both the Land South of Sutton Road H1(10) site and the Maidstone School of Science and Technology were missing from the assessment. This was reported back to DHA and the revised assessment now includes those two sites.
- The census data has been checked and was found to be accurate.
- Spot checks have been carried out on the distribution assumptions with the distribution for the MSOA Langley where three of the large housing sites are located within being checked in detail. Whilst google journey times would indicate a slightly lower distribution via M20 Junction 7 and more via M20 Junction 8, local knowledge does not support this. Our review accordingly fully supports the assumptions in the assessment in terms of distribution.
- The calculation of the resulting trips through M20 Junction 7 is a simple multiplication of the total number of trips in both peak hours for each site by the distribution percentage of the MSOA they are located within.

Sites Identified

The number of trips through M20 Junction 7 from the sites contained in the assessment ranges from 0 to over 100 per peak hour. A cut-off criteria as to the minimum trips that should be considered, was discussed between DHA and MBC. This was also shared with HE. A threshold of 30 movements in either AM or PM peak was discussed for sites to be included for contribution purposes.

At a junction that has reached its capacity, such an hourly number of trips can lead to further deterioration of the junction performance. As such, and whilst there is no scientific basis for this number, it is not unreasonable to use 30 movements per peak hour as the criteria for a site to be included for contributing towards the improvements for M20 Junction 7.

The table below lists the sites that have been identified in the DHA assessment as having an impact of 30 movements in any peak hour or more on M20 Junction 7:

M20 Junction 7 Contributions

Site		AM	PM	Total
H1(10) Land South of Sutton Road	Arr Dep Total	21 61 82	63 38 101	183
Maidstone East and Sorting Office	Arr Dep Total	28 22 50	36 38 74	123
Lenham (broad location)	Arr Dep Total	15 34 50	35 22 57	107
H1 (8) West of Church Road	Arr Dep Total	11 26 37	26 17 43	80
H1(7) Land North of Bicknor Wood	Arr Dep Total	5 32 37	24 13 36	74
Maidstone School of Science and Technology	Arr Dep Total	47 25 72	0 0 0	72
Mote Road	Arr Dep Total	28 4 32	2 24 26	58

The above sites were considered in terms of when they are expected to come forward within the Local Plan period and whether there could be pooling issues with these sites:

Site	Description
H1(10) Land South of Sutton Road	Outline application approved in 2016, site expected to come forward within the next 5 years with reasonable certainty
Maidstone East and Sorting Office	Site has a temporary permission for the next 5 years, therefore unlikely to come forward until beyond 5+ years
Lenham (broad location)	Sites expected to come forward towards the latter part of the plan period, consists of a number of sites, there are therefore likely to be pooling issues attached to this site.
H1(8) West of Church Road	H1(8) is at a pre-application stage. No application has yet been submitted. It is set in the housing trajectory to be delivered in the first five year tranche.
H1(7) Land North of Bicknor Wood	Outline application approved in 2016, detailed application submitted in 2017, site expected to come forward within the next 5 years with reasonable certainty
Maidstone School of Science and Technology	Promotors aiming to complete school in time for the 2018 / 2019 academic year. The school has however been excluded from the list of schemes contributing to the M20 Junction 7 improvements due to both Highway Authorities' views (Highways England and Kent County Council) that there is a robust Travel Plan led approach in place which mitigates the impact of the school on this junction.
Mote Road	This site is at early pre-application stage and is a mixed office, residential and retail project in a 16 storey tower. The uses, mix and scale has not yet been considered by the LPA. On that basis it is not expected to come forward until years 6-10.

Based on the above, at this stage, the following sites should not be considered for contributing to the M20 Junction 7 improvements as they are unlikely to come forward in time, and would therefore delay the implementation of the improvements:

- Maidstone East and Sorting Office
- Lenham (broad location)

M20 Junction 7 Contributions

- Maidstone School of Science and Technology
- Mote Road

However, should the timing of any of the above sites change, they should be reconsidered.

Proportional Split of Contributions

The table below sets out the sites which should fund the M20 Junction 7 improvements, and based on the number of trips in both peak hours, the percentage contribution for each site.

Site	Total number of trips (AM and PM)	Percentage Contribution
H1(10) Land South of Sutton Road	183	54.3%
H1(8) West of Church Road	80	23.7%
H1(7) Land North of Bicknor Wood	74	22.0%
Total Trips	337	100.0%

Way Forward

This note identifies the sites that should be funding the improvements required due to Local Plan development at M20 Junction 7.

Sites which are likely to come forward later in the Local Plan period, should presently be excluded. However, going forward, the list should regularly be reviewed, and if sites move towards implementation sooner than expected, they should be added to the list.

Furthermore, the current agreement with KIMS would remain in place with this scheme implementing the improvements as a fall-back position should their development reach 75% occupation prior to the above schemes being progressed.

If sites presently included on the list are not implemented in the timeframe expected or are not implemented at all, then the Local Plan related impact on M20 Junction 7 would occur later in the plan period and the contributions identified above should be spread onto sites which are expected to be developed later and are presently not included in the above.



16/505598 - Cricket and Tennis Club

Scale: 1:2500

Printed on: 28/6/2017 at 11:30 AM by ElyH

REPORT SUMMARY

REFERENCE NO: 16/505598/FULL		
APPLICATION PROPOSAL: Erection of a pair of three bedroom semi-detached dwellings.		
ADDRESS: Cricket and Tennis Club, Frittenden Road, Staplehurst, Kent, TN12 0DH		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR REFUSAL: The proposal by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 of the Maidstone Borough Wide Local Plan 2006 and policies DM1, DM3 and DM34 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.		
REASON FOR REFERRAL TO COMMITTEE: Councillor Louise Brice has requested that the application is determined by the Planning Committee if officers are minded to refuse planning permission.		
WARD: Staplehurst	PARISH COUNCIL: Staplehurst	APPLICANT: Staplehurst Cricket And Tennis Club AGENT: Sonnex Surveying Ltd
DECISION DUE DATE: 31/08/16	PUBLICITY EXPIRY DATE: 29/07/16	OFFICER SITE VISIT DATE: 28/03/2017
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites): None relevant		

MAIN REPORT

1.0 BACKGROUND

- 1.01 A decision on the application was deferred at the committee meeting on the 6 July to enable a copy of the 'Heritage Statement and Viability Statement' to be submitted and for its contents to be considered before the case was reported back to committee.
- 1.02 Following the committee meeting on the 6 July the case officer chased a copy of the viability statement by phone, with this then followed up by an email to the applicant's agent on the 11 July. A third contact was made with a further chasing email sent to the agent on the 17 July. A copy of the viability statement was subsequently received on the evening of the 17 July.
- 1.03 Unfortunatley due to the delays outlined above and with normal committee timescales there was insufficient time to consider the statement and report back within the next committee cycle and the meeting on the 27 July.

2.0 Weight to policies of the Emerging Local Plan

- 2.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections & consistency with the NPPF.
- 2.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017.
- 2.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of the current application.

3.0 APPRAISAL

Main Issues

- 3.01 The main consideration is whether the benefits from allowing the two proposed houses in terms of financial income for the Staplehurst Cricket and Tennis Club outweighs the harm that will result by granting permission for two new houses.

Heritage Statement and Viability Statement

- 3.02 The submitted 'Heritage Statement and Viability Statement' is provided as an appendix to this committee report, together with the earlier report to the planning committee on the 6 July 2017.

The viability section of the submitted report provides background to the status of the club, its strategy and achievements. The key points in terms of viability are considered to be as follows:

- The club has current outgoings of £30,000 per annum for 'day to day running costs and maintaining the facilities they have'.
- Total annual income has been increased by 130% in the past 10 years through membership growth and bar turnover;
- Input from volunteers has dropped (austerity and membership getting younger and older) leading to increased costs;
- Loss of volunteer groundsman will lead to extra cost of £15-18,000 per annum;
- The club considers that new facilities are needed to be provided to compete with for instance a facility in Marden;
- Under investment in recent years has led to a decline in the facilities with a need for maintenance of the existing site;
- Funding for the development plan includes £100-150,000 for the refurbishment of the clubhouse and £70-80,000 for 2 additional hard courts 'to meet minimum Lawn Tennis Association funding requirements'.
- With match funding there is a funding requirement of £100-150,000
- The current proposal with match funding will allow investment of £300,000

- 3.03 The submitted statement provides detailed information on the cost of improvements to the facilities at Staplehurst Cricket and Tennis Club and why the club considers these works are necessary for the future of the club.

- 3.04 The statement advises that after investigating ‘all conceivable’ opportunities the club felt that the only realistic option was to sell part of the sports club site for new housing. In terms of the important balancing exercise between the benefit to the club against the harm that the development will cause, it is unfortunate that no details have been provided of these options, how much income they would have generated and the grounds on which the club discounted them.
- 3.05 The submitted statement advises “*A serious funding injection is required to bring the Club’s facilities back into a serviceable condition...*”. The long term sustainability of the approach for the future funding of the club is questioned, especially as the proposal involves new housing outside the settlement boundary contrary to adopted planning policies. If the club finds itself in a similar financial position 20 years in the future, similar arguments could be made and further land lost with applications to construct two further houses within the club grounds.
- 3.06 When assessing viability it is necessary to consider both expenditure and current and predicted income generation. Whilst there is information on expenditure, the submitted statement does not provide any figures on income generation whether current or predicted. The only reference to the level of existing income is that this has increased by 130% in the past 10 years, with this growth achieved through membership growth and bar turnover.
- 3.07 Whilst the sale of the application land to be developed for housing and the income it will provide to the club is the reason for the current planning application the viability statement does not provide any estimate of the sale value of the land.

4.0 Conclusion

- 4.01 The development of this site outside the Staplehurst boundary is contrary to adopted and emerging policy including the neighbourhood plan that seek to direct new housing to existing settlements and to protect the character of the countryside. The inward looking development represents poor design that will have a negative impact on the street scene and the setting of the adjacent Staplehurst Conservation Area.
- 4.02 It is acknowledged that the proposed development is intended to provide investment into the Cricket and Tennis Club. Whilst this general aim is fully supported, the submitted application fails to demonstrate that the current proposal is the only means available to achieve this investment and the long term sustainability of selling off parts of the sports club site is questionable. The viability statement does not confirm that the Cricket and Tennis Club would need to close without the investment generated from the sale of the land. It is therefore considered that the negative impact from the proposed development that has been outlined in these reports outweighs any benefit generated by approving planning permission.

5.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

The proposed development, by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 and ENV28 of the Maidstone Borough Wide

Local Plan 2006 and policies DM1, DM3, DM34 and SP17 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.

INFORMATIVE

In making this decision the following plans were considered 'KCC Highways Requirements' plan rec 17.08.2016; Site Location Plan; SS201402/1 (ground floor plan); SS201402/2 (first floor plan); and SS201402/3 (elevations).

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RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites): None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The triangular application site covers an area of 0.12 hectares and is located on the east side of Cranbrook Road (High Street/A229) on the corner with Frittenden Road. The site is outside, but adjacent to the Staplehurst settlement boundary. Brandon House and Ash House immediately to the north of the site are within Staplehurst Conservation Area.
- 1.02 The site forms part of the Staplehurst Cricket and Tennis Club and has been used partly as allotment gardens. Whilst there are no protected trees or other landscape designations, there are ten individual trees and a group of semi-mature ash on the site. A mixed species hedge approximately 2 metres in height is along the Frittenden Road frontage.
- 1.03 Public Right of Way path KM308 runs adjacent to the south west boundary of the site between the site and the 2 storey Cricket Lodge in use as residential accommodation. The site is not located in a designated flood zone.

2.0 PROPOSAL

- 2.01 Erection of a pair of 3 bedroom semi-detached houses with a new access from Frittenden Road. The two houses provided with rear gardens are orientated to face south east, away from the two road frontages and towards a new off street parking area for 4 cars. A driveway to the front of the properties provides access on to Frittenden Road with two 5 metre by 2.5 metre deep turning areas.
- 2.02 Three of the ten trees and part of the Ash group that are currently on the site are to be retained with a new entrance with necessary sightlines formed in the existing boundary hedge in Frittenden Road.
- 2.03 The planning application has been submitted by a trust providing sports facilities for Staplehurst Village. The profit from these two dwellings will go into the Trust for the development of the leisure and open space facilities for Staplehurst.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13 and CF1
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Supplementary Planning Documents: Open Space Development Plan Document (2006)
 - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP17, DM1, DM2, DM3, DM7, DM11, DM22, DM24, DM25, DM27, DM34 and ID1
 - Staplehurst Neighbourhood Plan: PW2; PW4 and H1;
- 3.01 In the Regulation 19 version of the emerging Local Plan, policies which do not have proposed main modifications will not be subject to further public consultation. The implication is that the Local Plan Inspector does not consider that changes are required in order for these policies to be considered sound. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.02 In relation to the weighting there are no major modifications proposed to policies SP5; DM1; DM2; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7 DM11; DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.
- 4.02 **Local residents:** Three representations received from local residents objecting to the proposal on the following grounds (summarised):
- Overlooking and loss of privacy;
 - Site located outside of the village boundary;
 - Would set a precedent;
 - Increased traffic;
 - Not identified for development in the Neighbourhood Plan;
 - New vehicular access is dangerous;
 - Contrary to policy PW2 of the Neighbourhood Plan.

- 4.03 **Local resident:** Six representations (including the chair, vice chair and three members of the cricket and tennis club) has been received in support of the proposal on the following grounds (summarised):
- To support the future vitality of the club and community.

5.0 **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **KCC Public Rights of Way Officer:** No objection subject to no works undertaken on a Public Right of Way without the express consent of the Highways Authority;
- 5.02 **Kent CC Highways:** No objection subject to provision of car parking, turning areas and sightlines.
- 5.03 **Cllr Bryce:** Supports the application due to the local investment it would create in one of the most vital village sporting resources. If refusal recommended then Cllr Bryce would like it brought to committee.
- 5.04 **Staplehurst Parish Council** Recommend approval and do not wish the application to be reported to Planning Committee

6.0 **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:
- The principle of development;
 - Visual impact and design of the development;
 - Impact of the development on biodiversity; and
 - Impact of the development on the living conditions at neighbouring properties.

Principle of Development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise.
- 6.03 In this case the Development Plan consists of the Maidstone Borough-Wide Local Plan 2000 and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy is generally restrictive to development outside the settlements, unless it is related to agriculture or forestry. The relevant policy in the emerging plan is policy SP17.
- 6.04 The neighbourhood plan strongly supports the protection of the wider countryside outside the areas identified for new development. There is a presumption against the development of any land other than those sites identified as suitable for development within this neighbourhood plan (Policy PW2). The proposal is therefore considered to be contrary to the adopted development plan including the neighbourhood plan.

Visual impact and design

- 6.05 Proposals should have high quality design and respond positively to, and enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality modern design approach (emerging policy DM 1). Avoid inappropriate development

likely to have significant adverse effects on designated heritage assets and their settings (emerging policy DM 3).

- 6.06 The vision for preparing the Staplehurst Neighbourhood Plan includes an aim of enforcing the quality of new development through use of materials, details and inclusive design that responds to context (Staplehurst NP page 9). A positive relationship between existing built areas and the new will be critical to the successful assimilation of new development (Staplehurst NP para 3.22). The design of new housing should be informed by the traditional form, layout, character and style of the village's vernacular architecture.
- 6.07 The proposed semi detached buildings are orientated to face away from the main road frontages in both Cranbrook Road and Fittenden Road, with proposed rear and side elevations to these boundaries. This introspective layout is considered poor design and will result in poor relationship with existing development, poor visual appearance and dead street frontages. The design of the new housing fails to respect the traditional form, layout, character and style of the village's vernacular architecture.
- 6.08 This arrangement would provide poor amenity for future residents with private gardens immediately adjacent to the public road. The layout and siting of the houses also results in a large area of hardstanding to the front of the properties to provide off street car parking and the necessary access to these car parking spaces and vehicle turning areas.
- 6.09 In addition to an allotment, the application site is currently occupied by ten trees and an Ash group. The proposal involves removal of seven of the existing ten trees and part of the Ash group. The proposed new access is on to a stretch of road with a speed limit of 60 miles per hour. In order to maintain highway safety KCC Highways require visibility splays of 45 metres in both directions from the centre of the new access and a distance of 2.4 metres from the back edge of the highway. These sightlines will require a significant reduction in the existing boundary hedge along Fittenden Road to a height of a metre.
- 6.10 Whilst they have no formal protection, the trees on the site and the existing hedge form part of the character of the area and the setting to the adjacent Staplehurst Conservation Area. It is considered that the removal of the trees and the new entrance in the boundary hedging will have a detrimental impact on the character of the area.
- 6.11 The proposal fails to create high quality design and fails to respond positively to, or enhance the character of the area. The proposals fail to add to the overall quality of an area and fail to address the two main road frontages. Whilst the loss of the trees and the boundary hedge will have a detrimental impact on their own, the impact will be heightened by the poor design of the proposed dwellings and the removal of the potential screening of the rear and side elevations .

Residential amenity

- 6.12 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.
- 6.13 The closest existing residential property is Cricket Lodge located approximately 20 metres to the west on the other side of the public right of way footpath. A distance of

20 metres separates the rear first floor rear windows of the nearest house and the side window of Cricket Lodge. This distance is considered acceptable to maintain amenity.

- 6.14 The area between the new dwellings and Cricket Lodge is occupied by a public right of way approximately 3 metres wide. Mature planting, hedges and trees are also located to the western boundary of the application site which would obscure views and provide privacy screening. Whilst it is accepted that construction work may cause disturbance this nuisance will be short term and temporary and as a result would not be grounds to refuse planning permission.

- 6.15 In summary with the separation distance from other residential properties, the proposed development is acceptable in relation to residential amenity.

Access/highway safety

- 6.16 Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.17 The proposed layout shows 2 three bed houses with vehicular access from Frittenden Road. The proposal includes 2 parallel parking spaces for each house with a turning area for each house to allow ingress and egress in a forward gear. Visibility splays have been shown on the revised site layout plans of 45 metres in length. On the basis that the off street parking, turning areas and visibility splays are provided there is no objection to the development on highways grounds and no objection has been received from KCC highways.

Ecology

- 6.18 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.

- 6.19 An ecological assessment was submitted in support of the application. The assessment did not find any protected species either in the site or using it in passing. Should approval be given conditions should be used to boost biodiversity in the area.

7.0 CONCLUSION

- 7.01 The proposed development represents poor design as it fails to address either of the two roads that the site has frontages. The inward looking development providing dead road frontages will have a negative impact on the street scene and the setting of the adjacent Staplehurst Conservation Area.

- 7.02 The negative impact of the development increased by the large amount of hardstanding that will be required for access, parking and turning, the removal of trees and the reduction in the boundary hedging that form part of the character of the area.

- 7.03 It is acknowledged that the proposed development is intended to provide much needed investment into the Tennis and Cricket Club. Whilst this aim is fully supported the negative impact from the proposed development outlined in this report is considered to outweigh any benefit generated by approving planning permission.

8.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

The proposed development, by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 of the Maidstone Borough Wide Local Plan 2006 and policies DM1, DM3, DM34 and SP17 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.

INFORMATIVE

In making this decision the following plans were considered 'KCC Highways Requirements' plan rec 17.08.2016; Site Location Plan; SS201402/1 (ground floor plan); SS201402/2 (first floor plan); and SS201402/3 (elevations).

Case Officer: Graeme Moore

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

SONNEX SURVEYING Chartered Surveyors

Chartered Building Surveyors & Construction Design Consultants

33 High Street, Sevenoaks, Kent TN13 1JD
email : sonnexsurveying@hotmail.com

Tel: 44(0)1732 455066 - Fax: 44(0)1732 455066

Heritage Statement & Viability Statement

MBC Planning Application Ref : 16/505598/FULL

**Staplehurst Cricket and Tennis Club,
Frittenden Rd,
Staplehurst,
Kent
TN12 0DH**



Director : Mr RPB Sonnex BSc Hons MRICS
Sonnex Surveying Limited
Incorporated in England & Wales Reg No : 8648942
Registered Office : The Corner House, Aylesford, Kent ME20 7BG
VAT Registration No: 170 3144 43

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Planning Heritage Statement & Viability Statement

Re : Planning Application Ref : 16/505598/FULL

Premises : Staplehurst Cricket and Tennis Club, Frittenden Rd, Staplehurst, Kent TN12 0DH

Introduction

Background of Application.

Following the Clubs lengthy deliberations over how to raise enough funds to keep the Club afloat and moving into the future in a way that is both meaningful and effective to the Staplehurst Community and local Schools and Clubs it was decided to look at the physical assets available to the Club on the Club property.

As no significant funding has been injected into the Club for the past ten years it has become clear that only a sizable injection of funding would save the Club and its buildings from decline. See attached Photo Appendix – Club Structures Condition Survey

The Application

The initial Application was submitted for two modest semi-detached 3 Bedroom family homes and received the support of the Parish Council.

Subsequently, an Arboricultural Survey and Ecological Survey were requested by MBC.

Please see attached Reports by:

Quaife Woodlands

Marsh Environmental

In both cases no specific species of trees or ecological specimens were noted on the site.

Mixed native hedging (Holly, Hornbeam, Hawthorn) to enclose the whole site will be provided and this will be a considerable increase to the amount of current hedging provided.

Boundary fencing will be erected within the line of the mixed hedging and will comprise good quality timber close board fencing. Slots will be cut at low level in the fencing, to allow passage of rodents and hedgehogs.

The site will be fully screened from the Main Road by existing retained trees and shrubs

In conclusion the Planning Application has been comprehensive with in depth investigation into all areas that effect the site, in Planning Design, Arboricultural and Ecological matters.

This Report further clarifies the Planning Application in respect of the Special Circumstances which underline the reasons why the Application should be Approved by Maidstone Borough Council Planning Department and provides further in depth details in respect of a Heritage Statement and a Viability Statement.



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Heritage Statement

Background

Staplehurst Cricket and Tennis Club which has been serving the local community for many years is a private unincorporated body and commenced as a formal Trust in 1955.

Club land is located to the south side of the Frittenden Road from which the Staplehurst Conservation Area runs in a northerly direction.

Existing Development

The Conservation Area itself incorporates All Saints Church and Churchyard.

But, to the south of the Church three modern detached properties within the Conservation Area, located north of Old Rectory Lane have received Planning Permission, namely Brightwell House, The Maples and Ecclestone House. The Old Rectory has itself been split into three dwellings namely Staplehurst Cottage, Staplehurst House and the Old Rectory.

Further, to the south of this development, two further more recent detached dwellings Bardon House, Ash House form the lower South boundary of the Conservation Area and these properties are of relatively modern construction.

The subject property in this application actually lays outside the Conservation Area, but has been designed to respects the design requirements of the National and Local Planning Policies incorporating vernacular design, bay windows, clay tile hanging and stock bricks to elevations.

As such, the properties will assimilate well into the local variety of diverse designs such as Cricket Lodge and the more modern built form in the south of the Conservation Area to the north of Frittenden Road such as Bardon House and Ash House .

Density

The provision of this single structure/built form, is concurrent with the general disbursed density of larger single house structures along the east side of the main road in this location and within the Conservation Area.

Conservation Area & Design

Although the site is located outside the Staplehurst Conservation Area, the proximity of the Conservation Area has been taken into account and the dwellings have been designed using period style gables and jettied bays to the front and tile hanging to first floor and stock brickwork to ground floor with oak framed front door porch canopies.

The properties have been designed to reflect the vernacular designs of the older style properties such as farm workers cottages located in the Staplehurst area.

Tree Retention and Screening

As requested by MBC, an Arboriculturist Report has been provided and this concludes that there are no trees of any significant value on the site, as follows;

“7.5 In summary, the landscape impact of those trees to be removed will be commensurate to the scale and appearance of the proposed development and will not have a detrimental visual impact upon the character and appearance of the area.”

“8.2 The spatial relationship of the proposed new houses with the trees has been a matter of careful consideration. The orientation of the site is helpful, as there is good direct sunlight and ambient light.”

The dwellings have been sited to the east end of the site where trees are sparse and inspection of the Arboriculturists Report (See attached Plan) also shows that the majority of trees including the Ash pole trees on the site will be retained to provide screening to the main road to the west.

Existing and Proposed Built Form – See Photos 5196,5197,5200

Currently there are two significant built structures within the boundary of the Staplehurst Cricket and Tennis Club which stand to the south east of the proposal site and are shown on the attached Ordnance Survey Map.

These structures, comprise the Old Pavilion (Timber weatherboard elevations and clay plain tiled roof) and the adjacent Storage Sheds (Dilapidated Asbestos Cement construction).

The Club has agreed that these structures can be removed to ameliorate any bulking effect in the landscape, thus moving towards a neutral value in respect of built form when replaced by the new dwellings.

Conclusion

It is clear that the Staplehurst Cricket and Tennis Club is an important asset to the local community and under these very special circumstances needs to be retained as a viable and thriving support, to both local residents and schools.

Structures already in existence on the site will be removed to balance the new built structures in the local landscape.

The above Heritage Statement explains that the design has been carefully crafted to match the local design vernacular and development density and respects the adjacent Conservation Area



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Viability Statement

Staplehurst Cricket and Tennis Club

The Clubs vision statement is a simple one:

To facilitate and promote the participation of the whole community in the sports of cricket and tennis and support other local sports and athletic clubs/groups.

The Clubs Strategy:

- keeping costs low (broadening their income base)
- growing playing opportunities and capabilities
- improving facilities
- promoting and rewarding participation
- building a welcoming and inclusive sports culture

Legal status:

- Private unincorporated body. Assets held in Trust created on conveyance of land (1955)
- Community Amateur Sports Club
 - Irrevocable quasi-charitable status
 - Open access membership
 - Gift Aid
 - Corporation tax exemption on non-trading income
 - Statutory 80% ground rates relief
 - Assets for purpose of cricket and tennis
 - On dissolution, assets to be used for cricket and tennis in locality, transfer to sports governing bodies or HM Treasury.
-

The Club Is Community Oriented:

- Sport England Clubmark accredited (2006) and re-accredited 3 times
- England & Wales Cricket Board Focus Club
- Lawn Tennis Association 'Place to Play'
- The home of Staplehurst Running Club
- Staplehurst Emergency Help Team designated rest centre
- The busiest Event Venue in Staplehurst

Self Funding Initiatives

In 2006 – The AGM was told that in the opinion of officers the Club had 5-10 years viability. Since then, over 3 development plans the club has worked hard and raised £100,000 in cash and kind which has been invested in club development;

- New car park enabling all-year-round opening
- Family friendly safe decking area
- New perimeter fencing
- New clubhouse roof

Club Progress & Achievements

- Almost all investment internally generated
- Largest community and youth organisation in Staplehurst
- 450+ members – 50% under age 18 years – an increase of 60% since 2005
- 120 Junior cricketers – ages 5-16 years - registered in 2016 (0 in 2005)
- 60 Junior tennis members
- Average age start is 6.5years
- 80% of Under-16s at state schools
- 70% attend or attended Staplehurst Primary
- Increasing retention rate at 16+ youth players
- 12 x ECB (English Cricket Board) Level I and Level II coaches qualified
- 24 Coach Support Workers accredited since 2015 – ages 16-65 years
- 50% of promoted 1st XI 'home grown'
- 70% of promoted 2nd XI aged under 23
- 60% of promoted SVL team home grown & aged under 23

Schools outreach 2015-17 : In-curriculum and after school coaching

- Staplehurst Primary School -- 180 hours
- Colliers Green Primary School - 48 hours
- Marden Primary School - 36 hours

The Club's 2016-20 Development Plan

- The Club has to raise around £30,000 per annum for day to day running costs and maintaining the facilities they have. The Club has already increased total annual income by 130% in the past 10 years through membership growth and increased bar turnover.
- The Club has to recognise that people lead increasingly busy lives and some members simply want to play and not contribute their time and skills as has been the case in the past. This means additional costs to cover essential works previously undertaken by volunteers.



- The current additional capital depreciation charge of £5-6,000 per annum is not enough to replace existing facilities and equipment. A more realistic charge would see that figure at least double, a position the Club is intent on moving to after suffering from years of underinvestment.
- Investment in new facilities means more fundraising; more grants and internally generated income.

The challenges the Club faces:

- An ageing demographic on one hand and the prospect of a whole new younger Staplehurst population on the other;
- The Club needs significant new investment to provide the facilities other clubs offer – for example, the new Marden cricket, hockey and tennis facility - which regular cricketers and tennis players now come to expect;
- Replacement of the Club's 72 year-old volunteer Groundsman in the next 2-3 years will require additional £15-18,000 per year to pay contractors for the average 30-40 hours PER WEEK work required in summer months – effectively DOUBLING our operating costs;
- The Club is therefore far from fully financially viable on any basic business yardstick;
- We need to continue developing diversified income sources and rapidly grow income to meet identified future expenditure. It requires substantial capital expenditure to facilitate both standing still and future growth to serve the Staplehurst Community.

2016-20 Development Plan Costing

- | | |
|---|--------------|
| • Resurfacing EXISTING hard tennis courts | £20,000 |
| • 2 further hard courts to meet minimum LTA (Lawn Tennis Association) funding requirements | £70-80,000 |
| • All weather permanent Cricket net site (ECB specification) | £18-25,000 |
| • Clubhouse refurbishment | £100-150,000 |
| • Other Development Plan commitments | £30-50,000 |

Less leveraged funding

- grants agreed in principle
(Only on matched funding basis) by LTA and ECB £90-120,000
- ECB interest free loan
(Only supported by increased income generation) £50-100,000

Club Funding Requirement

£100-150,000*

*Having investigated all conceivable options, the Club identified the sale of a small unused part of its estate, with the planning permission sought in this application, as the only realistic option to meet this funding requirement.



As outlined, if the land can be sold, it will leverage further sports national governing body (ECB & LTA) matched funding, already agreed in principle, enabling a total investment in this local community sports amenity of at least £300,000.

Conclusion

The recent years of underinvestment, due to austerity and thus the inability of the club members and the local community, who use this facility, to contribute funds and raise funds privately, has meant that this important sports/athletics asset and service to the Staplehurst community, has not been able to keep up with the usage and wear and tear imposed on it, by the very community sports and recreation needs for people of all ages, that clearly use it on a regular basis.

The above financial facts are clear and perusal of the attached Photographic Appendix shows further evidence of the decline of the Clubs facilities over the past twenty years. Even with the huge amount of unpaid hard work and fundraising by the Club members and their families year on year, it is now obvious by the disrepair that the Club is struggling to make up for years of underinvestment and maintaining existing income streams.

A serious funding injection is required to bring the Club's facilities back into serviceable condition and provide a sound basis for the future growth and development of what is a very important sports facility for the Staplehurst community.

Above all, capital funding is needed to provide the platform for increased income generation identified in the Club's business plan above .

Primarily refurbishment of the now use worn tennis courts and clubhouse facilities which will encourage new tennis membership/grants and the ability of the clubhouse to be used, to raise income on a year-round venue hire basis, which will assist paying the day to day overheads such as grounds staff and maintenance of grounds and buildings.

The provision of two small family dwellings on this site, adjacent but screened from the main road, will allow the Club to continue to operate without financially burdening the Local Authority/County Council and will provide the private funding required by the Trust to remain Viable and put the Club on a firm footing and in a position to grow and continue to provide and promote these important sports and recreation facilities, to Schools and the Staplehurst Community at large, into the future.



Heritage Statement & Viability Statement

Photo Appendix - Club Structures - Condition Survey

MBC Planning Application Ref : 16/505598/FULL

**Staplehurst Cricket and Tennis Club,
Frittenden Rd,
Staplehurst,
Kent
TN12 0DH**



Photo no 5214 - History of the Club – Dating back to 1925



Photo no 5215 - History of the Club – Diversity of Teams



Photo no 5216 – Ageing & Un-Viable Small Kitchen Facilities to serve Club



Photo no 5210 Defective metal window frame and age worn insanitary Shower



Photo no 5211 – Poor/DIY insecure sports equipment storage

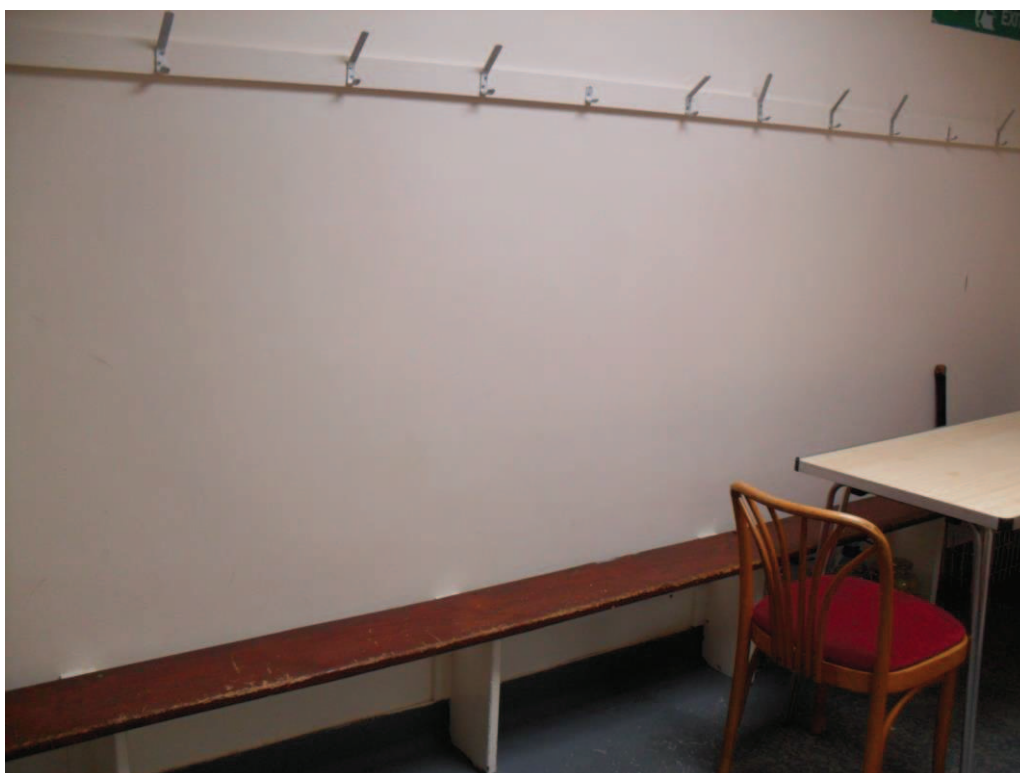


Photo no 5205 Old Tired Changing Room facilities



Photo no 5208 Age and use worn insanitary Shower Facilities

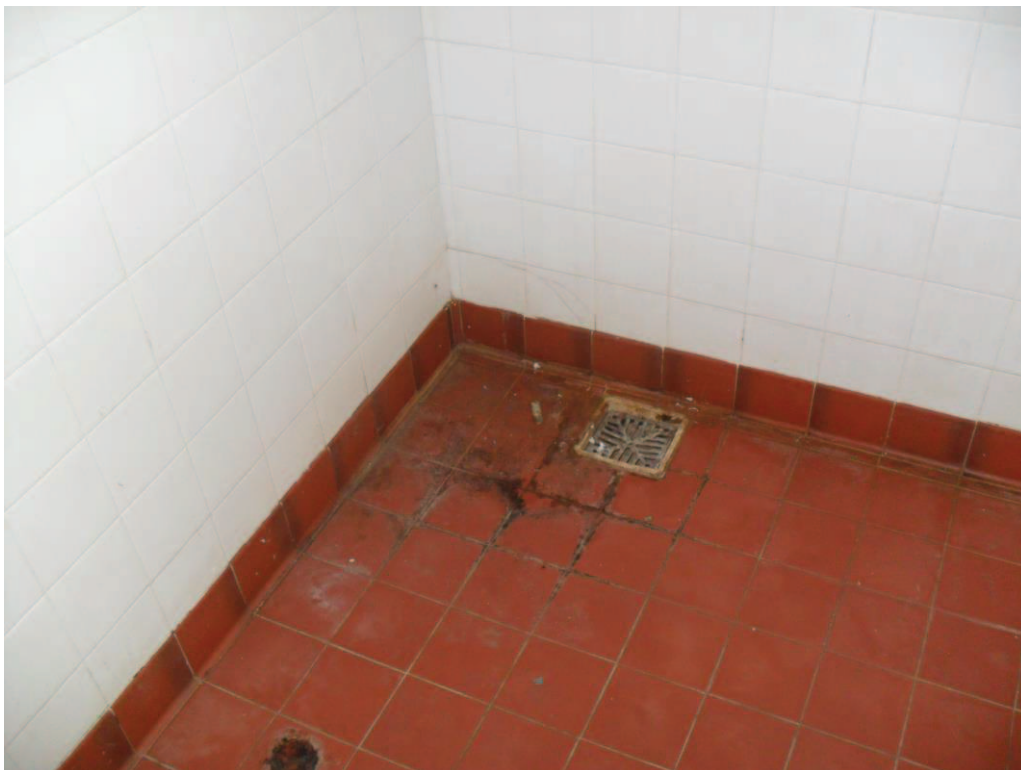


Photo no 5209 Age and use worn insanitary Shower Facilities



Photo no 5207 Age and use worn insanitary WC facilities



Photo no 5195 Redundant/dilapidated detached Pavilion Building-To be removed



Photo no 5196 Asbestos Grounds Equipment Store and Pavilion- To be removed.



Photo no 5197 Redundant /dilapidated detached Pavilion Building –To be removed



Photo no 5199 – Grass Tennis Courts in poor condition.



Photo 5200 Asbestos cement sports storage building- Dilapidated – To be removed



Photo no 5201 Typical poor/defective condition of Tennis Court Fencing



Photo no 5202 Typical poor/defective condition of Tennis Court Fencing



Photo no 5227 External Joinery to Club House - Weathered, use worn and defective



Photo no 5228 External Joinery to Club House - Weathered, use worn and defective



Photo no 5229 Club house roof in need of significant overhaul.



Photo no 5230 – Family Decking Area in need of repair and decoration

Agenda Item 19



REPORT SUMMARY

REFERENCE NO: 16/506067/FULL			
APPLICATION PROPOSAL: Steel framed agricultural grain storage building			
ADDRESS: Great Tong Farm, Great Tong, Headcorn, Kent, TN27 9PP			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal would not result in undue harm to the character and amenity of the open countryside and is an acceptable use in this rural location			
REASON FOR REFERRAL TO COMMITTEE: Councillor Prendergast has requested that the application is determined by the Planning Committee (this follows the recent withdrawal of the original call in request from Ulcombe Parish Council after their consideration of the revised plans)			
WARD: Headcorn	PARISH COUNCIL: Headcorn	APPLICANT: Robinson Structures Ltd AGENT: N/A	
DECISION DUE DATE: 05/12/16	PUBLICITY EXPIRY DATE: 07/10/2016	OFFICER SITE VISIT DATE: Various	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No:	Proposal:	Decision:	Date:
15/504378/FULL	Erection of an agricultural building	Approved	28.07.15
15/505974/FULL	Construction of a solar farm	Refused	29.02.16

MAIN REPORT

1.0 BACKGROUND AND DESCRIPTION OF SITE

- 1.01 The application was due to be considered at the committee meeting on the 27 July but was withdrawn from the agenda. This withdrawal was to allow further public consultation to take place on amended plans. This consultation has now taken place.
- 1.02 The application site is located in a rural location off the south side of the access track that serves Great Tong Farm.
- 1.03 The application site relates to a group of existing buildings and silos which will be demolished to make way for the grain store. The surrounding area is characterised by generally open views across gently rolling hills, broken up by mature hedges and trees. The site is not viewable from the A229, which runs to the south east of the site.

2.0 PROPOSAL

- 2.01 The proposal is for a replacement building which measures 32 metres long, 27metres wide with a roof eaves height of 7 metres and a roof ridge height of 9.4 metres. The building will provide a grain store with 872 square metres of floorspace. This has been reduced by some 164 square metres from what which was originally submitted.

- 2.02 Once the existing barn and silos have been demolished, the replacement building will be erected on the same general footprint of the buildings and silos which have been cleared. The revision made to the original application includes moving the proposed building further into the existing complex of farm buildings, with the main west building elevation relocated 33 metres eastwards of the original location and towards Tong Lane.
- 2.03 The reorientation of the building is also proposed so that the longer building elevation is now parallel and broadly in alignment with the retained existing farm building to the south and more closely on the site of the silos that are due to be removed. The height and dimensions of the building have not changed.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV43, ENV49, and T13
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP17, DM1, DM2, DM3, DM7, DM34 and DM40
 - Headcorn Neighbourhood Plan Regulation 16:
- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections and consistency with the NPPF.
- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.
- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.
- 3.04 In accordance with legislation the examiner of the Headcorn Neighbourhood Plan recommended that the draft Regulation 16 plan should not proceed to a local referendum. Whilst a final committee decision has not been made on the examiner's report, it is considered that due to its conclusions very limited weight should be attached to the draft Headcorn Neighbourhood Plan.

4.0 LOCAL REPRESENTATIONS

The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice. *(The responses to the additional consultation are provided below followed by the original consultation responses in brackets)*

- 4.01 **Local residents:** No response to additional consultation. (Six representations received from local residents objecting to the proposal on the following grounds (summarised):
- Impact on the character and amenity of the open countryside;

- Impact on heritage assets;
- Impact on protected species).

5.0 **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary. The responses to the additional consultation are provided followed by the original consultation responses in brackets)

- 5.01 **KCC Highways:** No objection (No objection)
- 5.02 **KCC Public Rights of Way:** No response (No objections, but must make applicant aware of the PROW and no obstruction of it allowed during or after construction and the procedures for diverting before any work is started).
- 5.03 **KCC Ecology:** No objection subject to a Great Crested Newt survey via a condition (No objection subject to a Great Crested Newt survey via a condition).
- 5.04 **MBC Landscape and Trees:** No response (No objections, subject to conditions).
- 5.05 **SGN** (Southern/Scotia Gas Networks): No response (No objection).
- 5.06 **Weald of Kent Protection Society:** No response (No objection WKPS is well aware that this large development happens to be in a sensitive area and adjacent to a listed building, but in our view, the needs of agriculture and the sustaining of the businesses that make up the Weald overrides purely aesthetic considerations in this instance. We agree with Headcorn PC that steps should be taken to mitigate its impact, but at the same time we are aware of the need for agricultural operations to modernise themselves to deal with the requirements and challenges of the current century. Our suggestions for the mitigation of the impact of the structure are that: the exterior be clad in brown sheeting rather than green as brown tends to blend in more easily, and suitable tree planting).
- 5.07 **Environmental Health:** No further comments to make (No objections but recommend informative on following Mid Kent Environmental Code of Development Practice).
- 5.08 **Ulcombe Parish Council:** Following the submission of the amended plans, the Council now wishes to withdraw the original objection to this application and we would now wish for this application to be considered for approval. (Objection to the application. Whilst supportive of the rural economy and farming objection is for the following reasons:
- Application is for a large agricultural building in open countryside;
 - No evidence provided to show that the proposed building is "reasonably necessary for the purposes of agriculture".
 - No assessment to show the impact of a building of this size and scale in open countryside.
 - No heritage assessment to address the impact on adjacent designated and non-designated assets and the archaeological impacts.
 - No ecological assessment has been provided).
- 5.09 **Southern Water:** No response (No objection).

- 5.10 **Headcorn Parish Council:** No response (No objection with support for the application subject to the use restricted to grain storage and when empty for storage of farming vehicles and an environment impact assessment undertaken, given the size and scale of the building and an assessment made to mitigate the visual impact of this structure. Referral to the planning committee is not required).
- 5.11 **Rural Planning:** Replacement building, in this revised location is necessary for the purposes of efficient modern agricultural production on this established farm in accordance with saved policy ENV 43 of the Local Plan, and in accordance with the emerging policy DM40. (No objections with support for the proposal)
- 5.12 **Natural England:** No response (No objections).
- 5.13 **CPRE Kent:** No response. (Object to the proposal on the grounds that it would have a detrimental impact on the character of the open countryside, heritage assets and ecology).

6.0 **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:
- Impact on the character of the countryside;
 - Impact on heritage assets; and
 - Ecology.
- Impact on the character of the countryside and need
- 6.02 The site is located within the Headcorn Pasturelands landscape character area (area 43). In the Landscape Capacity Study: Sensitivity Assessment report, the area is assessed as being of high overall landscape sensitivity and sensitive to change. The report states that development should be limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development to support existing rural enterprises would be acceptable provided it is not extensive, large scale or visually intrusive. Where large agricultural barns are considered visually prominent it is recommended that this is reduced through native planting. It is recommended that habitat opportunities around water bodies and ditches should be enhanced by promoting a framework of vegetation in these areas.
- 6.03 The complex of buildings within which the new agricultural barn is proposed is mainly screened from view by the existing topography and the existing high mature hedges and trees in the area. As a result of this the complex is only viewable once you reach the entrance to the site. In order to mitigate any views of the proposed building and in accordance with the recommendations of the landscape officer a landscaping planning condition is recommended. In this context and in conclusion the visual impact of the proposal will be minimal and a refusal based on the visual impact of the proposal could not be substantiated.
- 6.04 Great Tong Farm is part of a mixed farming business (arable, orchards, and sheep) which includes some 667 acres (270 ha) of arable production (wheat, barley, beans, oil seed rape, and linseed). The applicant has set out that existing storage for arable crops is in a number of outdated and inefficient silos, and in two other buildings. One of these buildings is due to be demolished, and the second of which is inadequate for modern farm assured grain storage purposes.

- 6.05 Whilst the proposal is for the construction of a farm building in an existing complex of farm buildings in response to concerns the applicant has revised the original proposal with the relocation of the building further into the farm complex. It is considered that this change will further reduce any negative impact from the proposal.
- 6.06 The proposed new building will provide a suitable, purpose-designed, replacement storage facility. In this context it is considered that this provision is reasonably necessary for the purposes of efficient modern agricultural production on this established farm and this is in accordance with saved policy ENV 43 of the Local Plan, and in accordance with the emerging policy DM40.

Impact on heritage assets

- 6.07 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting. The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (NPPF para 134).
- 6.08 Whilst the application site is not in a conservation area and there are no listed buildings on the application site there are a number of Grade II listed buildings located on the existing Great Tong Farm farmstead. These listed building are located to the east of the proposed new grain store location. The buildings themselves display the essential Kentish vernacular, with the use of timber cladding for instance, whilst the barns have been converted in recent years.
- 6.09 Intervening buildings largely block views of the listed buildings from the site of the proposed agricultural building. The farmhouse building is also sited far enough away from the proposed grain store for it not to be detrimentally affected. In these circumstances the proposed building is acceptable in relation to potential impact on heritage assets.

Ecology

- 6.10 The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible"*.
- 6.11 The majority of the application site is hard standing but there is a storage area which has become vegetated. Available information shows that great crested newts are likely to be present within 500 metres of the proposed new building. In this situation it is possible that great crested newts make use of the vegetation on the site for resting, hibernating, foraging or commuting to access more suitable habitat.
- 6.12 With this limited area of habitat KCC Ecology have recommended a planning condition to seek the submission of a precautionary mitigation strategy. This strategy would be based on existing survey data and would need to demonstrate how works would minimise risk to great crested newts.

Impact on the local highway network and public right of way.

- 6.13 It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection from KCC Highways. It is considered that the existing footpath can be adequately diverted with this diversion considered outside the current planning application. There has been no objection from the Public Rights of Way officer.

Flooding and drainage

- 6.14 The proposal is considered acceptable in relation to flooding and drainage and there has been no objection to the application from Southern Water.

Environmental impact assessment

- 6.15 With the proposed development including fewer than 150 dwellings and the overall area of the development fewer than 5 hectares, the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project. There is no requirement to seek an environmental impact assessment

7.0 CONCLUSION

- 7.01 The visual impact of the proposal will be minimal when taking into account the topography of the area and the screening of the site by the existing mature hedges and trees. With recommended planning conditions the proposal is acceptable in relation to ecology.
- 7.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.03 The proposal complies with policy ENV28 as it is reasonably necessary for the purposes of agriculture and policy ENV43 of the adopted plan. The proposal accords with other policies in the emerging plan and will not result in harm to the character and appearance of the area.
- 7.04 The proposal will facilitate the efficient use of this agricultural land and is in accordance with policy SP17 of the emerging plan. On the basis that the proposal is in accordance with both adopted and emerging policies and in the absence of material considerations that indicate otherwise the approval of planning permission is recommended.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: CH50256-001; CH50256-002 and CH50256-003. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (2) The external facing materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development.
- (3) Any external lighting installed on the new building shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of visual amenity, biodiversity and landscape character.
- (4) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the

local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscaping shall be in place prior to the end of the first planting season following the occupation of the building hereby approved. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (5) Prior to any works commencing on site (including vegetation clearance) a precautionary great crested newt mitigation strategy, based on existing survey data, is submitted to and approved in writing by the Local Planning Authority. The report must include a review of existing survey data, the proposed methodology for clearing the site and measures to avoid great crested newts being injured or killed during construction. The development shall proceed in accordance with the agreed strategy. Reason: In the interest of biodiversity and habitat management.

Informatives

- (1) The applicant is advised to have regard to the Mid Kent Environmental Code of Development Practice.
- (2) The applicant is advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact KCC before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that: the applicant pays for the administration costs; the duration of the closure is kept to a minimum; alternative routes are provided for the duration of the closure and a minimum of six weeks notice is given to process an application for a temporary closure.
- (3) The applicant is advised that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. The granting of planning permission confers no other permission or consent on the applicant and the successful making and confirmation of a diversion order should not be assumed.
- (4) The applicant is advised that if a European Protected Species Licence is required to carry out the works updated great crested newts surveys may be required to inform the licencing process.

Case Officer: Tony Ryan

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Agenda Item 20



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16/508513 Lewis Court Cottage
Scale: 1:1250
Printed on: 8/8/2017 at 12:00 PM

REFERENCE NO: 16/508513/FULL		
APPLICATION PROPOSAL: Demolition of existing lean to garage and erection of 3 detached dwellings with parking and landscaping.		
ADDRESS: Lewis Court Cottage, Green Lane, Boughton Monchelsea, Kent ME17 4LF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • The design and appearance of the development is in keeping with the character of the surrounding area and will not harm the setting of any listed building. • The development is acceptable in relation to the impact on residential amenity including in terms of outlook privacy and noise. • The proposed scheme is appropriate in terms of its impact in landscape, visual, amenity, heritage and transport terms. 		
REASON FOR REFERRAL TO COMMITTEE: Boughton Monchelsea Parish Council has requested that the application be determined by the Planning Committee for the reasons set out in the report.		
WARD: Boughton Monchelsea And Chart Sutton	PARISH COUNCIL: Boughton Monchelsea	APPLICANT: Mr J Anscombe AGENT: DHA Planning
DECISION DUE DATE: 14/02/17	PUBLICITY EXPIRY DATE: 27/01/17	OFFICER SITE VISIT DATE: 25/04/2017
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):		
None relevant		

1.0 DESCRIPTION OF SITE

- 1.01 The application site (0.27 hectares) is located within the Boughton Monchelsea settlement that is classed as a 'larger village' in the emerging local plan. The rectangular plot comprises a two storey dwelling known as Lewis Court Cottage. The front elevation of the existing building faces west. The existing building has a single storey breeze block addition on its northern side providing garages and a large garden area to the east.
- 1.02 Access to the site is from Green Lane, by way of a gravelled driveway (around 40 metres long) running between Lewis Court and White Cottage. This access drive leads on to parking and turning area at the front of the existing dwelling. The site is not in a conservation area and there are no Tree Preservation Orders on the site.
- 1.03 The application site is located to the south of Green Lane; behind the detached properties called Tudor Cottage and Lewis Court in Green Lane. Tudor Cottage and Lewis Court are on the national list of significant historic buildings (Grade II).
- 1.04 On the Green Lane road frontage, Tudor Cottage is on the back edge of the public highway, with Lewis Court set back away from the road with trees and hedging along

the edge of the road. An existing outbuilding is located in the garden of Lewis Court adjacent to the existing building and garages on the application site; this building is considered a non-designated heritage asset. Open fields are located on the opposite side (north) of Green Lane.

- 1.05 Whilst the application property itself is not listed, the adjacent buildings called Tudor Cottage, Lewis Court and White Cottage are all on the national list of significant historic buildings (both Grade II).
- 1.06 To the east of the application site are two detached properties with site boundaries on to the adjacent road called Meadowview. One of these properties called White Cottage is located on the Meadowview and Green Lane road junction and on the national list of significant historic buildings (Grade II). A two storey timber building on the eastern side of the access road and behind White Cottage is considered a non-designated heritage asset. A detached bungalow called Cleaves is located to the west of the application site with open fields beyond.
- 1.07 There is a defined change in residential density and character immediately south of the application site with a row of higher density semi-detached houses in Lewis Court Drive directly behind the application site. These houses on Meadowview and Lewis Court Drive are part of an estate of similar character and density.

2.0 PROPOSAL

- 2.01 The planning application is for the construction of 3 new residential dwellings (annotated on the plans as plots 1 to 3) on land currently attached to Lewis Court Cottage. The proposal includes the retention of the existing property with the demolition of an attached garage and the construction of a new relocated garage.
- 2.02 A new two storey three bedroom house is proposed on land to the front (west) of Lewis Court Cottage (annotated as plot 1). The property facing north is on land currently providing parking and turning areas and landscaping for the existing dwelling.
- 2.03 The demolition of the existing breezeblock garage will allow a vehicular access drive adjacent to the northern site boundary. This will provide access to 2 two storey four bedroom houses proposed to the rear (east) of the existing dwelling (annotated as plots 2 and 3). Each dwelling is provided with two off street car parking spaces with the 2, four bedroom properties also provided with garages (one single and one double). Each of the three dwellings will have a private rear garden.
- 2.04 A replacement attached single storey garage for Lewis Court Cottage is proposed to the north elevation of this building.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, H27, T13, T21.
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP11; SP12; SP18; DM1; DM2; DM3; DM4; DM11; DM12; DM21; DM23 and ID1.
- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies which are preparation stage, extent of unresolved objections and consistency with the NPPF.

- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the 'Main Modifications'. The Inspector concludes that, with the incorporation of the 'Main Modifications', the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.
- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the 'Main Modifications' in the determination of the current application. The policy references given above reflect those provided in the 'Main Modifications'.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.
- 4.02 **Local residents:** Eight representations received from local residents objecting to the proposal on the following grounds (summarised):
- Out of character with the area;
 - The design is a pastiche;
 - Impact on the setting and character of the listed building;
 - Overlooking of neighbouring dwellings;
 - Concerns over the access arrangements;
 - Impact on local wildlife.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **KCC Highways:** No objection subject to conditions.
- 5.02 **KCC Archaeology:** No objection subject to conditions.
- 5.03 **MBC Conservation Officer:** Objection, the density and site distribution and layout would fail to preserve the setting of the listed buildings and also the curtilage structures (both of significance) and so not in accordance with section 66 of the Act. In addition, a level of harm would be caused to the significance of the heritage assets, which amounts to substantial in NPPF terms. The public benefits delivered by the scheme are not considered to outweigh this level of harm, and as such the proposal fails to accord with guidance contained within the NPPF. (Pre-application: no objection)
- 5.04 **Mid Kent Environmental Health:** No objection subject to conditions.
- 5.05 **Natural England:** No objection
- 5.06 **Boughton Monchelsea Parish Council:** Objection; wish to see the above planning application refused and reported to planning committee for the following reasons:
- Detrimental effect on the 'setting' and group value of the three listed buildings;
 - The suburban space standards (dwelling to plot ratio) and density do not fit with the adjacent listed buildings;

- The 'pastiche of a former architectural style' contrary to Historic England advice;
- Harm to highway safety due to 'extremely poor' sight lines that do not meet KCC Highways requirements and conflict caused by the narrow access road.
- Unacceptable overlooking to the private amenity space of adjacent dwellings
- Insufficient information in relation to materials, context, refuse storage and collection arrangements;
- The integrity of the ecology report is questioned due to regular badger sightings and report scope extended "...beyond the limits of the proposed development site to ensure that the works do not damage the badgers habitat";
- A design and access statement has not been submitted.

6.0 **APPRAISAL**

Main Issues

- 6.01 The key issues to consider are design and appearance and impact on heritage assets; the potential impact on amenity in terms of noise, privacy and disturbance and the general character of the area.
- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise. In this case the Development Plan consists of the Maidstone Borough Wide Local Plan 2000. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017 and in these circumstances, approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the 'Main Modifications' in the determination of the current application.
- 6.03 The application site is within the Boughton Monchelsea settlement which is defined as a 'larger village' in the emerging Maidstone Local Plan. Emerging policies SP5 and SP12 provide general support to the currently proposed minor 'infill' development as larger villages such as Boughton Monchelsea are considered able to support this type of growth and are sustainable locations.
- 6.04 Emerging policy DM10 supports the development of garden land within the larger villages subject to the following criteria being met: there would be no significant harm to the character and appearance of the area through the higher density; no significant loss of privacy, light or outlook is caused; suitable access is provided and there is no significant increase in noise or disturbance from traffic using the access. As set out in the following assessment the proposal is considered in line with this policy.

Heritage, design and visual impact

- 6.05 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting.
- 6.06 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Where substantial harm is caused to a designated asset permission should be refused unless there are substantial benefits; where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (NPPF para 134).
- 6.07 Proposals should have high quality design and respond positively to, and enhance the character of the area. Particular regard will be paid to scale, height, materials,

detailing, mass, bulk, articulation, and site coverage, incorporating a high quality modern design approach (emerging policy DM 1).

- 6.08 The application site is not in a conservation area and does not contain any listed buildings. There are three listed buildings (grade II) to the north and east of the site; Tudor Cottage, Lewis Court and White Cottage. Two outbuildings to the rear of the listed buildings are considered non-designated heritage assets.
- 6.09 The applicant sought pre-application advice from officers prior to the submission of this planning application. The original plans submitted for discussion were revised by the applicant following comments from the conservation officer. The conservation officer at that time confirmed that there was no objection to the proposal that was subsequently submitted as the planning application. It was considered that, due to separation distances and boundary landscape screening, the proposal would not harm the setting of the listed buildings.
- 6.10 Since these pre application comments were received there has been a change in conservation officer, and the current conservation officer has raised an objection to the submitted planning application. The current conservation officer acknowledges that the listed buildings are a distance away from the development site, but highlights two curtilage structures that lie on the site boundary. The conservation officer considers that these buildings are 'perhaps of a listable quality' and are afforded protection as undesignated heritage assets. The conservation officer concludes that the proposed development by the virtue of the density and site distribution and layout would fail to preserve the setting of the listed buildings and also the curtilage structures.
- 6.11 In addition to highlighting the pre-application dialogue with the conservation officer, the applicant in response to this objection has highlighted the levels of screening between the development and the listed building. It is also highlighted that historic mapping shows the presence of built form on the southern part of the site as characteristic of the plot, as well as a degree of subdivision. The applicant considers that due to the sensitive design and the existing and proposed landscaping the proposal would not detrimentally affect the significance of the listed buildings.
- 6.12 In relation to the non-designated curtilage buildings it is accepted that these buildings appear to have some historical value and the development of the adjacent land will have some impact. An assessment has been carried out of the level of this impact against the benefits from the proposal.
- 6.13 The first curtilage structure is an outbuilding located in the garden of Lewis Court. This curtilage structure is currently separated from the main building on the application site by boundary landscaping and a single storey breeze block garage attached to the application building. This garage block is due for removal as part of the current proposal. The three proposed houses are located significantly further away from the curtilage structure than the retained red brick dwelling. The removal of this breeze block garage building will improve the current setting of the curtilage structure and the listed buildings with any further potential harm reduced by landscape screening.
- 6.14 The second curtilage structure is a two storey timber outbuilding outside the site but adjacent to the western boundary and the existing access to the site. The main elevation of this building faces east away with the narrow side elevation of this building faces towards the site entrance. With this orientation and the length of the access road there are currently limited public views of this structure.

- 6.15 The proposal involves a new house that will mark the end of the access road (plot 1). This new house is located close to, but orientated at a right angle to the front elevation to the curtilage structure. It is accepted that the new house will have an impact on the setting of this non-designated heritage asset but with orientation and the backland location this is not considered sufficient to justify the refusal of planning permission.
- 6.16 Whilst the three bedroom property on plot 1 is set back by 50 metres from Green Lane with its location at the end of the access drive it would be partially visible in the public view along the access drive. Existing views of the application site and plots 2 and 3 from the public highway are heavily screened by existing trees, hedges and buildings located both within the site, on the boundary of the site and on neighbouring land.
- 6.17 In assessing the potential heritage impacts from the proposed development the comments from both conservation officers have been considered. With the separation distance from the listed buildings, intervening development, boundary treatments, and the height and scale of the proposed buildings the potential impact on the setting of the listed buildings is considered to be negligible. The potential impact on non-designated heritage assets is not considered sufficient to refuse planning permission. When assessed against the test in the NPPF (para 134) the benefits of the proposal providing three new family homes outweighs the negative impact.
- 6.18 The NPPF (para 60) states that planning decisions should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles. Planning decisions should however seek to promote or reinforce local distinctiveness.
- 6.19 There are a mix of building styles in the area surrounding the application site including the simple design of the housing to the rear of the site, the retained red brick building on the application site and the listed buildings to the north. The design of the new buildings include hipped roofs with front single storey bays, open porch areas and chimneys. The proposed materials are brick, ragstone (bay windows) and timber cladding/weatherboard with slate and clay tiles. The design and appearance of the proposed houses are considered appropriate in this context.
- 6.20 The application site is located within a larger village as defined in emerging plan. This location is considered a sustainable location for new development at a higher density with higher density development located immediately to the rear of the site. The existing property on the application site has no historical or particular architectural merit. The proposed development will result in less than substantial harm to heritage assets and will provide the benefit of three new residential dwellings in a sustainable location.

Residential amenity

- 6.21 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.
- 6.22 The proposal has been assessed in relation to the potential impact on amenity including overlooking, loss of privacy, loss of sunlight and daylight and visual intrusion. With the orientation of the proposed dwellings, distances from the site

boundaries and existing trees and vegetation it is considered that the proposal is acceptable in relation to the impact on residential amenity.

Access/highway safety

- 6.23 Access to the site is gained from the existing site entrance to Lewis Court Cottage. The access will be augmented and extended to serve all three proposed new dwellings. Each new dwelling will be served by two external parking spaces, in addition to garaging proposed for plots 2 and 3.
- 6.24 The applicants have stated that the proposed layout has been tested (tracked) to ensure that sufficient turning space is provided to allow vehicles to enter and exit the site in a forward gear. It is considered that there is sufficient space for the storage and collection of refuse without harm to amenity, access or highway safety. It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection received from KCC Highways.

Landscaping, trees and ecology

- 6.25 The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible"*.
- 6.26 The submitted planning application is supported by a phase 1 Ecology Survey. The survey found that the site does not currently support any protected species. The report is adequate to consider ecology issues. The report highlighted that there was potential for bats to utilise the existing dwelling and the adjacent outbuilding, and as a result a condition is recommended in relation to external lighting and for bat boxes.
- 6.27 An arboricultural impact assessment was submitted in support of the application. The assessment outlines which trees within the site boundaries are to be retained and which are to be removed. The assessment has been considered by the council's tree officer and there is no objection raised subject to conditions requiring compliance with the arboricultural impact assessment and arboricultural method statement and landscape details. Planning conditions are recommended seeking details of landscaping on the site.

7.0 CONCLUSION

- 7.01 The proposed development, compiles with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the Main Modifications linked to the emerging plan and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. The development does not result in any unacceptable impact on the amenities of surrounding occupiers. The proposals do not raise any overriding parking or highway safety issues. The development is acceptable in relation to heritage considerations.
- 7.02 In these circumstances, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (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) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/10696/02, 04, 05, 06 and 07. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (3) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, and hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials; Reason: To ensure a satisfactory appearance to the development.
- (4) The approved details of the parking 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 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them; Reason: Development without adequate parking is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- (5) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments 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 buildings 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.
- (6) Prior to commencement of development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines. Reason: To ensure a satisfactory appearance to the development.
- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is 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 appearance to the development.
- (8) Prior to commencement of development above DPC level, written details of the provision of swift and bat boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority; Reason: In the interests of biodiversity enhancement.

- (9) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter; Reason: To ensure an energy efficient form of development. Details are required prior to commencement as these methods may impact or influence the overall appearance of development.
- (10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the implementation 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 authority gives written consent to any variation. Reason: In order to ensure a satisfactory appearance to the development.
- (11) Prior to occupation of the proposed units a minimum of two electric vehicle charging points shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details. Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.
- (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be carried out without the permission of the Local Planning Authority; Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.
- (13) Prior to the commencement of development details of the proposed replacement garage shall be submitted to and approved in writing. With the garage constructed in accordance with the approved details. Reason: To safeguard the character and appearance of the surrounding area.

Case Officer: Graeme Moore

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Agenda Item 21



REPORT SUMMARY

REFERENCE NO - 17/502100/FULL		
APPLICATION PROPOSAL Demolition of existing wedding venue, office and other commercial buildings and erection of 4no. detached dwellings with associated parking, access, infrastructure and landscaping works.		
ADDRESS Bredhurst Garden Centre Dunn Street Bredhurst Gillingham Kent ME7 3ND		
RECOMMENDATION – Permit		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is considered to accord with policy DM5. The redevelopment of the site is considered to bring environmental improvements through the removal of existing commercial buildings, areas of hardstanding containing parked commercial vehicles, removal of noise generating uses and a reduction in vehicle trips. The proposal constitutes a good quality housing layout / design with significant additional soft landscaping introduced within the site and additional boundary planting and ecological benefits. The site is located on the edge of Bredhurst village and is considered to be in a relatively sustainable location for residential development. The proposed redevelopment of this brownfield site would make a contribution towards the councils windfall housing land supply provision.		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council has called the application to committee.		
WARD Boxley	PARISH/TOWN Boxley	COUNCIL APPLICANT Mr & Mrs Rogers AGENT DHA Planning
DECISION DUE DATE 17/07/17	PUBLICITY EXPIRY DATE 10/07/17	OFFICER SITE VISIT DATE 19/06/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/500485/FULL - Occupational manager's dwelling with accommodation on two floors – Refused 10/0142 - Temporary change of use of garden centre storage area to use for temporary overnight parking for one 24 tonne tipper grab lorry, one 18 tonne tipper lorry, four 7.5 tonne tipper lorries and two 3.5 tonne tipper lorries until 1/02/2011 or until relocation, which ever comes first - Refused 09/0713 - Change of use of redundant building to offices (B1 use) - Permitted 08/2047 - Change of use of garden centre storage compound to the storage of commercial vehicles - Refused 08/2023 - Change of use of nursery, restaurant, pavilion and playing fields to A2 Offices, retaining restaurant, pavilion and playing fields - Refused 07/1247 - Change of use from garden centre and restaurant to bed and breakfast accommodation and reception. Retaining restaurant, playing field and pavilion – Refused		

06/0377 - Change of use to class A1 use to open a farmshop/convenience store (fresh grocery, newspapers) - resubmission of application MA/05/1660 - Refused

05/1660 - Retrospective application for the change of use to showrooms – Refused

05/1259 - Erection of a timber refreshment pavilion - Refused

04/1503 - Change of use from agricultural land to recreational land and erection of a timber shed for use as changing rooms - Permitted

94/0508 - Alterations to existing access onto Dunn Street - Permitted

85/1620 - Use of site for sale of garden furniture and plants - Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site relates to the former Bredhurst Nurseries site and buildings. The site contains a number of single storey buildings surrounded by hardstanding and parking areas at the front and side of the site. The buildings towards the front of the site are currently used as a wedding venue and there are a number of other commercial / offices use occurring within the other buildings within the site which are let to small businesses. The site is also used for highways training in a building towards the rear of the site. The whole site constitutes a brownfield site in a rural location and measures approx. 0.55 hectares.
- 1.2 To the rear of the site are fields which are currently being used for grazing. This area benefits from planning permission for use as football pitches although it is understood that the football pitches are no longer in use and have not been used as such for several years. To the east of the site is farmland and to the west of the site a stable premises, containing stable buildings, a sand school and residential property.
- 1.3 The site is located in the open countryside in the AONB, Special Landscape Area and Strategic Gap. The surrounding area is predominately rural and the site is located approx. 600m to the west of Bredhurst village.

2.0 PROPOSAL

- 2.1 Demolition of existing wedding venue, office and other commercial buildings and erection of four detached dwellings with associated parking, access, infrastructure and landscaping works.
- 2.2 4 detached houses are proposed each with a link attached double bay garage and driveway parking. The houses would be two storey in height measuring approx. 7.5m to the top of the ridge.
- 2.3 Materials include a mix of facing brickwork, timber cladding and white render.
- 2.4 The existing site access would be retained and utilises.
- 2.5 The two frontage dwellings would be set back approx. 25m-30m from the road.
- 2.6 New landscaping is proposed within the site and along the site boundaries.

3.0 AMENDMENTS

- 3.1 Amended drawings were received on 25 July following a request from the LPA. The amendments include:
- The size of the garage at plot 3 and 4 has been reduced to two bays.
 - The link extensions between the garage and houses at plot 3 and 4 have been reduced in height by amending to a flat roof.
 - The roof level link between the garage and houses at plot 1 and 2 have been removed.
 - Plot 4 has been moved away from the eastern site boundary.
- 3.2 Given the minimal changes proposed re-consultation was not considered necessary.

4.0 PLANNING CONSTRAINTS

- AONB
- Strategic Gap
- Special Landscape Area (Local Plan 2000)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, ENV31, ENV34, T13
Supplementary Planning Documents:
Emerging Local Plan (submission versions May 2016 and Main Modification version July 2017): SP17, DM1, DM3, DM5, DM27, DM30

6.0 LOCAL REPRESENTATIONS

- 6.1 Site notice erected outside site and letters sent to neighbouring properties.
- 6.2 One neighbour objection has been received. Objections summarised as follows:
- Development would be out of keeping with the immediate area.
- 6.3 **Bredhurst Parish:** Objects. Objections summarised as follows:
- The large and imposing size and style will be detrimental to the street scene.
 - The area is within an AONB and a development of this scale is inappropriate in such an area.
 - Visible from a PROW (KH9).
 - There appears to be no access from the development site to the field behind. It is unclear how this field will be maintained or what its future use will be.
- 6.4 **Boxley Parish:** Wish to see the application refused and deferred to committee. Objections summarised as follows:
- Site is located in AONB.
 - Development contrary to ENV28, ENV31, ENV33, ENV34.
 - Adverse impact on the street scene.
 - Proposed development is higher than existing buildings.
 - Out of keeping.
 - The development would not result in a significant improvement and so would contravene policy DM4 (*DM5 Main Modifications*).

- Refers to the fields to the rear of the application site regarding current use as grazing land and previous football pitch use (*Members are advised that the land at the rear is not part of the application site*)

7.0 CONSULTATIONS

KCC Highways: No objections

MBC Environmental Health: No objections

8.0 APPRAISAL

Principle of Development

- 8.1 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. Policies ENV31, ENV33 and ENV34 afford further protection to the rural landscape and generally restrict new development in these designated areas. Policy ENV31 (Strategic Gap) and policy ENV34 (SLAs) are not carried forward into the new local plan.
- 8.2 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) are particularly relevant to housing land supply. The Council must demonstrate it has five years' worth of supply against its housing requirements because, in the case of a shortfall, relevant local plan policies for the supply of housing should not be considered up-to-date.
- 8.3 Housing land supply monitoring is undertaken at a base date of 1 April each year. In December 2016 the Local Plan Inspector published a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan', endorsing a methodology for the calculation of the Council's five-year housing land supply. In applying this methodology, and taking account of the further recommendations in the Inspector's interim report, the Council can demonstrate **6.3 years'** worth of deliverable housing sites as at 1 April 2017 against a housing target of 17,660 dwellings for the Plan period.
- 8.4 Although the figures affirm a robust five-year housing land supply position, they are not definitive until the Local Plan Inspector issues his final report. The report is expected late July, and adoption of the Plan by Council is currently programmed for autumn 2017.
- 8.5 Paragraph 216 of the NPPF states that,
- "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 8.6 *Para 111 of the NPPF states Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. As defined by the NPPF the application site constitutes previously development land as a majority of the site is occupied by permanent structures and associated fixed surface infrastructure and, the site is still in commercial use.*
- 8.7 Emerging policy DM5 (Development on Brownfield Land) states (inter alia):
- 8.8 *'Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens, which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village'**
- 8.9 *'A number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:*
- The level of harm to the character and appearance of an area;*
 - The impact of proposals on the landscape and environment;*
 - Any positive impacts on residential amenity;*
 - What traffic the present or past use has generated; and*
 - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives'. **

**Main Modifications to the emerging local plan.*

8.10 The emerging Local Plan is at a very advanced stage having been found to be sound, subject to modifications, by the examining Inspector who confirmed this position in his report dated 27th July 2017. It is anticipated that the adoption of the Local Plan will now be considered at the next meeting of the Council on 27th September 2017. Policy DM 5 and the emerging local plan are therefore afforded full weight. Given the weight afforded to the new local plan, policy DM5 takes precedent over saved policy ENV28 of the local plan 2000, particularly as policy SP17 of the new local plan allows for development in the countryside that meets other policies, such as policy DM5 in this instance. In addition, economic development policies in the new local plan do not seek to retain economic uses in the countryside and this site has not been allocated for employment or economic purposes. Policy DM5 supports the principle of the redevelopment of brownfield sites in the countryside for residential uses and the key consideration are considered to be whether the proposal complies with the above criteria, including the visual impact on the AONB and a result in a significant environmental improvement.

Visual Impact

- 8.11 The existing site comprises a collection of single storey, mainly timber clad buildings, with extensive hardstanding and parking areas around the buildings. There is limited / no landscaping within the site although the existing boundaries do benefit from a good level of landscaping.
- 8.12 The scale of the existing buildings is such that they have a modest impact on the surrounding rural area. The level of hardstanding at the site is detrimental to the character of the area and is clearly visible from the entrance of the site.

- 8.13 Short to mid-range views of the site are afforded from Dunn Street at the site entrance and from the eastern approach and from PROW KH9 located some 100m to the east of the site. Development to the west screens a majority of the site from the west.
- 8.14 The four houses would each measure approx. 7.5m to the ridge compared to the existing buildings which have a maximum height of approx. 3.65m. In terms of height and scale the new buildings would be more visually intrusive than the existing development. However, the footprint of the existing buildings is approx. 1350sqm while the proposed development would measure just under 1000sqm cumulatively and thus the spread of development would reduce
- 8.15 In terms of the surrounding residential development the closest neighbouring property is at Arran Bank Stables located to the west of the site. The property at Arran Bank Stables is a two storey chalet style bungalow with a ridge height of approx. 7m and was granted planning permission in 2008 with a tie to the stable business at the premises. This property is located closer to the road frontage than the proposed development. Stable buildings at Arran Bank measure approx. 8m to the ridge. The height and scale of the proposed development would not appear out of keeping within the context of the surrounding area as a result.
- 8.16 Due to the relatively flat nature of the application site, coupled by the additional landscaping that could be secured along the site boundaries and within the site, I am of the view that the proposal would not appear significantly prominent from further ranging views. In addition, the introduction of 4 well design houses and associated landscaping and additional boundary planting is considered to represent a visual improvement over the add hoc collection of existing buildings on the site and significant areas of hardstanding and parked commercial vehicles which are clearly visible from the site entrance.
- 8.17 In addition, the proposed residential development would reduce the amount of built footprint on the site by approx. 400sqm and would introduce significant areas of landscaping in the form of residential gardens and landscaped areas compared with the existing predominantly hard surfaced site.
- 8.19 Overall it is considered that the proposed development would be more visually prominent than the existing development by reason of the scale of the houses, however, the proposed height would be consistent with the height of development at the nearest neighbouring property Arran Bank Stables.
- 8.20 In addition, the design, scale, form and layout of the proposed residential development is considered to be acceptable in broader terms. The planning form advises that the proposed materials will consist of clay tiles, facing brickwork, timber cladding and render and a high standard of design and local vernacular materials could be secured by condition.
- 8.21 Clearly, the character of the site would undoubtedly change and views of the development would be visible from public vantage points along Dunn Street and the adjacent PROW. However, the application has to balance the many issues, impacts, gains and losses involved in redeveloping an existing rural brownfield site for housing. Due to the location and character of the site, being a relatively flat site, coupled by the additional landscape planting along the site boundaries, I do not feel the development would cause significant wider harm to the landscape character of the area compared to the existing site and two storey houses in this location would

not appear out of keeping with the surrounding area as there are other residential properties in proximity to the site. As such I do not consider it would be necessary to restrict the redevelopment of this site to single storey houses, particularly given the fairly recent planning permission for a two storey house at the neighbouring Arran Bank Stables and other recent planning permissions for housing development on the edge of Bredhurst which are also located in the AONB, SLA and Strategic Gap.

- 8.22 When considering the visual impact of the proposed development and its siting in this rural location, it is my view that a well-designed scheme would be capable of being absorbed visually into the environment subject to a robust landscape proposal and management plan. Clearly there would be some visual harm arising from additional housing in the open countryside and AONB, however, in this instance the visual impact of the development is considered to be limited to short range views and a majority of the housing development would be screened by the existing and proposed landscaping. In addition, the houses would be set back from the road by approx. 25m – 30m and would therefore not appear overly prominent from public vantage points.
- 8.23 Overall, it is considered that development of the site would cause some visual harm which is inevitable with any built development in the countryside and there would therefore be some conflict with policies ENV28 of the Local Plan but this would be relatively low harm when weighed against the visual, environmental and amenity harm caused by the existing use which would be removed from the site. In addition, the proposal would result in environmental benefits in accordance with policy DM5 through the removal of the existing buildings and hardstanding which occupy a majority of the site and the introduction of new landscaping and tree planting within the site and along the site boundaries.

Residential Amenity / Living standards

- 8.24 There would be no unacceptable impact on neighbour amenity due to the separation distances involved.
- 8.25 It is accepted that residential amenity of neighbouring properties would be improve compared to the existing uses at the site which includes a wedding venue with opening hours until midnight. The other office / commercial are not particularly noise generating uses however the number of vehicle trips would reduce with the proposed development which in turn would result in less noise and disturbance from manoeuvring vehicles.
- 8.26 The proposed houses would provide acceptable living standards for future occupants in terms of internal floor areas, room sizes, outdoor amenity space and access to natural light and ventilation. The proposals would accord with the nationally described space standards.

Highways

- 8.27 The existing vehicle access would be retained and utilised and there is considered to be good visibility onto Dunn Street.
- 8.28 In terms of trip generation the proposed development is considered to result in a significant decrease in vehicle trips compared to the commercial uses at the site, in particular the wedding venue use. This would also constitute an environmental enhancement at the site and rural setting and one of the key consideration in accordance with policy DM5.

- 8.29 Parking provision includes a double bay garage for each property and forecourt parking. Parking would accord with KCC parking standards and the LPAs emerging parking standards. The proposal would be in accordance with the access criteria stipulated in policy DM5 and is considered to be at a relatively sustainable location being accessible to Bredhurst village and bus stops via pedestrian footpaths.
- 8.30 KCC Highways has no objections to the proposed development on highways safety, capacity or parking grounds.

Landscaping

- 8.31 The existing site is predominately hardstanding and buildings. The proposed development would introduce garden areas and landscaping within the site which would be visually and ecologically beneficial. Specific details of the proposed landscaping could be secured by condition and there is opportunity to increase the boundary planting on the north and south boundary and road frontage boundary to soften the impact of the development and enhance the road frontage. The introduction of additional soft landscaping and tree planting would be a visual benefit to the site and rural setting and is therefore considered to be an environmental enhancement and is broadly in accordance with policy DM5.

Other Matters

- 8.31 The current site is not considered to provide any significant ecological or biodiversity benefits. The opportunity to enhance the existing boundary treatment and significantly increase the soft landscaping within the site would enhance on-site biodiversity. In accordance with the NPPF opportunities to incorporate biodiversity within the development could be secured through bat / bird bricks / boxes, boundary treatment which allows movement of wildlife and enhanced landscaping.
- 8.32 The EHO officer has recommend contamination investigations to safeguard future occupants and this could be secured through conditions.
- 8.33 The parish council questions the access to the field at the rear of the site. This would continue to be accessed via a shared access running along / outside the western boundary of the application.

9.0 CONCLUSION

- 9.1 The proposed development does not conform to policy ENV28 of the Maidstone Borough-wide Local plan 2000 although the site is located in a relatively sustainable location in transport terms. However, the existing site and uses do clearly have some negative attributes including noise and disturbance associated with the wedding venue and commercial vehicles using the site as well as the visually and operationally damaging parts of the site comprising large areas of hardstanding used for storage of commercial vehicles such that the benefits of the proposed development are considered to outweigh any conflict with policy ENV28. In addition the proposal is considered to broadly accord with the criteria of emerging policy DM5 and the redevelopment of the site is considered to bring environmental improvements through the removal of expansive areas of visually harmful hardstanding containing parked commercial vehicles, removal of noise generating uses and a reduction in vehicle trips.
- 9.2 The existing commercial development would be replaced by a good quality housing layout / design with significant additional soft landscaping introduced within the site and additional boundary planting and ecological benefits.

- 9.3 The site is located on the edge of Bredhurst village and is considered to be in a relatively sustainable location for residential development.
- 9.4 Some 1650 dwellings from unidentified sites need to be provided through windfall sites during the new local plan period and the proposed redevelopment of this brownfield site would make a contribution towards the council's housing land supply provision.
- 9.5 On balance it is therefore considered that the redevelopment of the site for residential purposes is acceptable and it is recommended permission be granted subject to conditions.

RECOMMENDATION – Approve with conditions

- (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) The development hereby approved 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.

- (3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Proposed materials shall include details of swift bricks and / or bat boxes / brick incorporated into the development.

Reason: To ensure a satisfactory appearance to the development.

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

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

- (5) The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been

completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- (6) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

d) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

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

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

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

- (8) Details on the proposed method of foul sewage treatment must be submitted to and approved by the local planning authority prior to occupation of the site.

These details should include the size of any individual cesspools and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To ensure drainage is directly dealt with.

- (9) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

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

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

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

001A - Site Location Plan; received 15.05.2017 and AH-B - Existing Elevation; received 22.05.2017 and 001_1.1 Rev-B - Block Plan and AA.1 Rev-B - Plans - Plot 1 and AB.1 Rev-B - Plans - Plot 2 and AC.1 Rev-B - Plans - Plot 3 and AD.1 Rev-B - Plans - Plot 4; received 25.07.2017

Reason: To clarify which plans have been approved.

INFORMATIVES

Case Officer: Andrew Jolly

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



REPORT SUMMARY

REFERENCE NO - 17/502197/FULL		
APPLICATION PROPOSAL Construction of a 4 bedroom dwelling		
ADDRESS 13 Gordon Court Loose Maidstone Kent ME15 0QF		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
REASON FOR REFERRAL TO COMMITTEE Proposal is a departure from the development plan		
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Mr G Brown AGENT E P Architects Ltd
DECISION DUE DATE 19/06/17	PUBLICITY EXPIRY DATE 01/09/17	OFFICER SITE VISIT DATE 11/05/17

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site comprise part of the garden of 13 Gordon Court, an end of terrace dwelling forming part of the small and visually isolated residential enclave of Gordon Court located in open countryside lying within the southern anti coalescence belt . Gordon Court was used as a small hospital complex before being sold off by the MOD.
- 1.2 The edge of Coxheath is just under 500 metres to the west with the edge of Loose just over 500 metres to the north with a network of local footpaths giving access to both these settlements.

2.0 RELEVANT PLANNING HISTORY

- 2.1 **16/504069:** Convert existing single storey property into 2no 3-bedroom houses, including the insertion of dormer windows, re-tiling of the roof and alterations to existing window and doors. Erection of 1no. Cycle store –**A- July 2016**
- 2.2 Land abutting the site to the north west is subject to a TPO no 10 of 2002 being a group order consisting of 3 beech, 1 lime, 1 London Plane and 2 larch

3.0 PROPOSAL

- 2.1 The proposal involves severing the side garden area from 13 Gordon Court to create a building plot for a detached house.

- 2.2 It was also originally intended to erect a single detached garage in the front of the proposed dwelling but this has now been deleted from the proposal.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV32
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Draft Maidstone Local Plan (2011-2031): SP17, DM1, DM2, DM34

4.0 LOCAL REPRESENTATIONS

- 4.1 7 neighbouring properties consulted – no representations received.

5.0 CONSULTATIONS

- 5.1 **Loose Parish Council:** Wish to see application approved
5.2 **EHO:** No objection subject to imposition of site contamination condition
5.3 **Natural England:** No comment

6.0 APPRAISAL

Principle:

- 6.1 Proposed is an additional dwelling in a countryside location lying outside any settlement. Though the settlements of Coxheath and Loose are only relatively short distances away, access to them is via a narrow winding unlit country road. There is a local network of public footpaths giving access to both these settlements. In the circumstances it is possible for residents of the proposed dwelling to walk or cycle to nearby services on a day to day basis.
- 6.2 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside on sustainability grounds. Gordon Court is an isolated though concentrated and self contained small housing development situated in open countryside. Though the proposed development will extend Gordon Court given its close proximity to and relationship with the adjoining built mass comprising Gordon Court it will appear as part of the Gordon Court complex rather than as an isolated dwelling in the countryside. Furthermore given the proximity of Gordon Court to Loose and Coxheath and that it is connected to both these settlements by the local footpath network it has already been accepted that Gordon Court is sustainably located. It therefore follows the proposed development must also represent a sustainably sited development in accordance with the provisions of the NPPF. As such no objection is raised to the principle of the development on sustainability grounds subject to it passing the economic, environmental and social tests.

Impact on the character of the countryside and anti coalescence belt:

- 6.3 The site is subject to policy ENV28 of the adopted local plan relating to countryside protection and policy ENV32 relating to the anti coalescence belt. Policies SP17 and DM34 of the emerging local plan are essentially countryside protection policies. Policy SP17 has been amended by the Local Plan Inspector and the parts relevant to the current proposal are as follows:

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Development in the countryside will retain separation of individual settlements

- 6.4 Policy DM34 (DM30 as modified) states amongst other things that where new buildings are proposed in the countryside, where practicable, they should be located adjacent to existing buildings or unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.
- 6.5 The application site falls within a small inward facing, well enclosed and isolated pocket of residential development sited within open countryside. As such, though the proposal will increase built mass in the vicinity of the Gordon Court development given its close proximity to Gordon Court, it will appear as part of this development.
- 6.6 As such it will not materially extend Gordon Court outside its current compact confines or materially increase the impression of built mass on adjoining open countryside. In the circumstances no harm is identified to the rural character of the area or function of the Southern Anti Coalescence Belt contrary to the provisions of policies ENV28 and ENV32 of the adopted local plan. In addition no conflict is identified with policies SP17 and DM34 of the draft local plan.

Design, siting and layout:

- 6.7 Though a detached dwelling is proposed given its 'flank to flank' setting and close proximity to 13 Gordon Court (13) and that it reflects the detailing and proportions of the front elevation of 13 (as approved under application ref:16/504069) it will 'read' more as an extension of 13 rather than an isolated dwelling in its own right.
- 6.8 Regarding the layout of the development, the size and proportions of the amenity area serving the proposed house and remaining with 13 are both acceptable while parking and turning for the proposed dwelling and also that remaining with 13 reflects existing parking arrangements at Gordon Court.

- 6.9 As such the proposal is seen to comply with the design guidance set out in the NPPF and policies DM1 and DM34 of the draft local plan.

Impact on neighbouring properties:

- 6.10 The property most directly affected by the proposal is 13, the adjoining property which has planning permission to be extended. However for the reasons set out above the impact on this property is acceptable. In relation to other properties in Gordon Court, given the acceptable design and layout of the proposed development any impact on dwellings on the opposite side of the access track falls within acceptable limits.

Impact on trees:

- 6.11 The area of land abutting the site to the north west has a number of TPO trees on it. The proposal does not directly affect these trees though the canopy of a TPO lime tree does partly overhang the site.
- 6.12 The submitted arboricultural assessment makes clear that no TPO trees will be directly affected by the proposal though the condition of one tree makes it long term retention problematic. Notwithstanding the trees on the adjoining site will not be directly affected tree protection measures are proposed which will be secured by a planning condition.

Ecology:

- 6.13 No specific impacts are identified and subject to the following proposed ecological enhancements being carried out:
- Provision of hedgehog nesting boxes
 - Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
 - Provision of ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete)
 - Provision of ready-made bat boxes
 - Establish climbing plants on walls and other vertical structures.
 - Establish wildflower plug/bulb planting in amenity grassland.
 - Use of grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage.
 - Spring flowering bulbs and plugs of nectar rich flowering plants should be embedded into amenity grassland to increase the biodiversity and amenity value of the grassland and to provide early sources of nectar for insects. Suitable bulbs include Snake's head fritillary

It is considered the above measures secure sufficient wildlife enhancements proportionate to the scale of the development and as such satisfy the nature conservation requirements of the NPPF.

Highways:

- 6.14 Additional traffic generated by a single dwelling will not result in any material traffic increase which could be seen to harm the free flow of traffic or highway safety in the locality.
- 6.15 Regarding on site parking and turning the size and proportions of these elements is such that vehicles will be able to turn and leave the site in a forward direction.

Other matters:

- 6.16 Erection of a new dwelling in the countryside as proposed is contrary to countryside protection policies and as such represents a departure from the development plan. Given the small scale and impact of the proposal, no material harm is identified to the countryside or anti coalescence belt. Despite this the proposal stills need to be advertised as a departure from the development plan.
- 6.17 Renewable or low-carbon sources of energy within new development is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF. A condition should therefore be appended to secure this as part of the proposal
- 6.18 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.

7.0 Conclusions:

- 7.1 These are considered to be as follows:

- The dwelling is considered to be sustainably sited while providing an additional dwelling in an environmentally acceptable manner and meets the other tests of sustainable development.
- It will have no material impact on the character setting or openness of the countryside or functioning of the anti coalescence belt.
- It is acceptable in size design and siting terms while not giving rise to any material harm to the outlook or amenity or adjoining residents.
- It is acceptable in highway terms.
- It is acceptable in its impact on existing trees and wildlife.

- 7.2 It is therefore considered that planning permission should be granted as a consequence.

8.0 RECOMMENDATION

- 8.1 Subject to the proposal being advertised as a departure from the Development Plan and no new material issues being raised as a consequence (acceptance delegated to the Head of Planning and Development) GRANT planning permission subject to the following conditions:

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. Before the development hereby approved reaches damp proof course details of all external materials including those to be used for the parking and turning areas shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of amenity.

3. The development hereby approved shall not be occupied until the parking and turning areas shown on drawing no: 1726B.P.01 rev B have first been provided. The approved parking and turning areas shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

4. The development shall not commence until the Tree Protection measures specified in appendix B of the Arboricultural Report by Sylvan Arb dated the 21st April 2017 have first been carried out. Any hard surfacing within root protection areas of retained trees should be of a permeable, no-dig construction and specialist foundations shall be designed for any buildings within root protection zones. 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. No ground levels shall be changed or excavations made within these areas without the written consent of the Local Planning Authority;

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

5. The ecological enhancements set out in the KB Ecology Preliminary Ecological Appraisal dated the 19th October 2016 shall be carried out as specified.

Reason: To make provision for wildlife in accordance with the provisions of the NPPF.

6. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed.

Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

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

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

Reason: In the interests of pollution prevention and public safety.

7. Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

8. Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention.

9. The development shall be carried at the levels shown on drawing no: 1726B.P.02 rev B.

Reason: In the interests of visual amenity.

10. The development hereby approved shall be carried out in accordance with the following submitted details being drawing nos: 1726B.LP.01, E.01, P.01 rev B, P.02 rev B, and trees survey and tree protection plans GC/TPP/1303-01 and 0202.

Reason: In the interests of amenity.

Highways:

Please note that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary

are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and

common law. It is therefore important for the applicant to contact KCC

Highways and Transportation to progress this aspect of the works prior to commencement on site.

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 pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

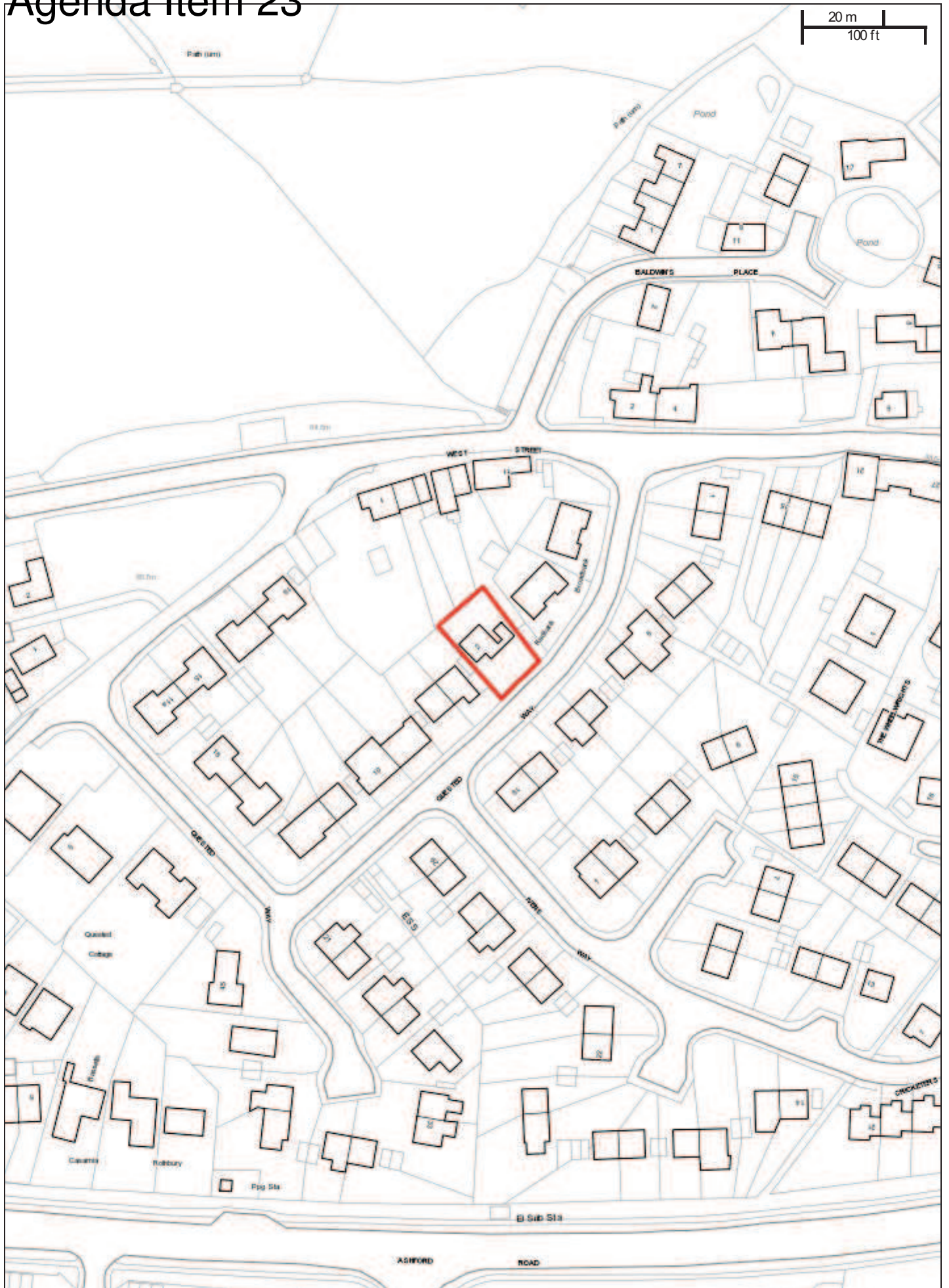
As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

Following amendment the application was acceptable.

Case Officer: Graham Parkinson

Agenda Item 23



17/502457 2 Queded Way

Scale: 1:1250

Printed on: 8/8/2017 at 12:08 PM by JulieM

REPORT SUMMARY

REFERENCE NO: 17/502457/FULL				
APPLICATION PROPOSAL: Demolition of existing garage and front extension, erection of new two storey side extension and single storey front extension, and addition of Shiplap cladding to first floor elevations.				
ADDRESS: 2 Qusted Way, Harrietsham, Maidstone, Kent, ME17 1JG				
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions				
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The development proposals are in line with planning policies and residential guidance and as a result the recommendation is to grant permission subject to conditions				
REASON FOR REFERRAL TO COMMITTEE: The applicant is Councillor Janetta Sams.				
WARD: Harrietsham and Lenham		PARISH/TOWN COUNCIL Harrietsham	APPLICANT: Mr. and Mrs. Thomas obo Cllr Janetta Sams AGENT: Home Design Network Ltd.	
DECISION DUE DATE: 03.07.2017		PUBLICITY EXPIRY DATE: 07.06.2017	OFFICER SITE VISIT DATE: 23.05.2017	
RELEVANT PLANNING HISTORY (Inc. appeals and relevant history on adjoining sites):				
App No	Proposal		Decision	Date
64/0063/MK2	Residential development		PER	05.12.1964
75/0702	Single storey extension		PER	06.08.1975

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application site is located on the northwest Qusted Way, which is within the village settlement of Harrietsham. There are semi-detached properties on this road constructed in a similar style, and some modern, detached properties adjacent to the application site.
- 1.02 The site comprises a two storey detached dwelling with a shallow pitched roof that is set back behind the common building line of adjacent properties. A single storey integral garage with a flat roof is located to the side of the main property extending forward of the main dwelling. The site levels are relatively even.
- 1.03 Other than being within the village settlement of Harrietsham, there are no site specific policies that are relevant to this application.

2.0 PROPOSAL

- 2.01 The proposal is for the demolition of an existing garage and front extension, and the erection of a two storey side extension and single storey front extension.

- 2.02 The two storey side extension would have a width of 3.3 metres, a depth of 6.8 metres, and eaves height of 5.0 metres and a ridge height of 6.7 metres. The single storey front extension would have a width of 10.3 metres, a depth of 2.3 metres, and eaves height of 2.3 metres and a ridge height of 3.5 metres. Shiplap cladding will be applied to the first floor elevation.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H18
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Supplementary Planning Documents: Residential Extensions
- Maidstone Borough Council Local Plan Publication (submission version) February 2016; DM1, DM8

- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections and consistency with the NPPF.
- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.
- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of the current application.

4.0 LOCAL REPRESENTATIONS

- 4.1 The planning application has been advertised with individual letters sent to adjoining properties, and a site notice. No response has been received.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **Harrietsham Parish Council:** No objection

6.0 APPRAISAL

Main Issues

- 6.01 The key material considerations relate to:
- Impact on the application property;
 - Impact on the character of the surrounding area;
 - Impact on residential amenity of neighbouring occupiers;
 - Highways and parking considerations.
- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise. In this case the Development Plan consists of the Maidstone Borough Wide Local Plan

2000 and the Maidstone Borough Council Local Plan Publication (submission version) February 2016.

- 6.03 The application site is located within the larger village settlement of Harrietsham. Policy DM8 of the emerging Plan states that within the defined boundaries of larger villages, proposals for residential extensions will be permitted which meet certain criteria. The extension has to be acceptable within the surrounding context; it has to retain boundary treatment; the extension should not have an adverse impact on neighbouring residents and the proposal should provide sufficient parking.

Impact on the application property

- 6.04 The application property was originally constructed in the 1960's as a simply designed, two storey structure with a shallow pitched roof. In 1975 an application was granted for a single storey, flat roofed, front and side extension. The extension currently proposed would seek to demolish these additions.
- 6.05 The front extension, in addition to being reduced in depth, would have a lean-to roof along the width of the front elevation. The front entrance would be highlighted by positioning a gable roof structure over the opening. The two storey extension would be set back from the front footprint of the property providing a break-line in the frontage. This break line would serve to identify the original size of the property, so that the extension reads as an addition. The design would comply with the Local Plan policies and residential design guidance.

Impact on the character of the surrounding area

- 6.06 Proposals should have high quality design and respond positively to, and enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality modern design approach (emerging policy DM 1).
- 6.07 There are several properties with a similar floor and site area within close proximity to the application site. The proposed extensions would be subservient to the host property, and would be constructed in materials which would match the existing building in addition to being appropriate to the character of the surrounding area.
- 6.08 The single storey garage extension was 3.8 metres wide, and the two storey replacement would be 3.3 metres wide. The front extension would be increased to the full width of the property however; it would be reduced in depth by 0.7 metres. The flat roof would be replaced with a lean-to roof, which would be acceptable in terms of Local Plan policies and guidance. For these reasons, the proposed development would be considered acceptable in the context of the locality.

Impact on residential amenity of neighbouring occupiers

- 6.09 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.
- 6.10 The nearest neighbouring property to the proposed development is Redbank, which is located to the northeast of the application site. The proposals would be sited 2.0 metres from the boundary at the closest point, and 7 metres from the flank wall of the neighbouring property.
- 6.11 The two storey and single storey extensions would be subservient to the existing property. The application would have no windows at first floor level and one window

servicing the utility room and patio doors to the bedroom at ground floor. There are no windows on the flank wall of Redbank. The 1.8 metre close boarded fencing bounding the property would provide an acceptable level of screening, and a condition could be attached preventing the insertion of any new openings at first floor level and above. For these reasons, any issues in terms of amenity with regard to this property would be minimised.

- 6.12 No 4 Quested Way has several windows on the flank wall of the property comprising a landing window and two bathroom windows on the first floor and a hall window on the ground floor. However, the application site would have no new windows on the flank wall facing it. The two storey extension would be largely obscured from this neighbour by the footprint of the existing property. The single storey extension would be a modest size and height located some 1.5 metres from the boundary with No 4. As such, any impact on the neighbour with regard to amenity issues would be minimised.

Highways and parking considerations.

- 6.13 Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There would be sufficient parking provided on site and the proposal would not harm highway safety.

7.0 CONCLUSION

- 7.01 For the reasons set out in this report, the development proposals are in line with planning policies and residential guidance and as a result the recommendation is to grant permission subject to conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the 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. The development hereby permitted shall be carried out in accordance with the following plans:

Dwg No 0182.11	Proposed Ground Floor Plan Rec. 08 May 2017
Dwg No 0182.12	Proposed First Floor Plan Rec. 08 May 2017
Dwg No 0182.13	Proposed Loft Floor Plan Rec. 08 May 2017
Dwg No 0182.14	Proposed Front Elevation (SE) Rec. 08 May 2017
Dwg No 0182.15	Proposed Rear Elevation (NW) Rec. 08 May 2017
Dwg No 0182.16	Proposed Side Elevation (NE) Rec. 08 May 2017
Dwg No 0182.17	Proposed Rear Elevation (SW) Rec. 08 May 2017
Dwg No 0182.18	Proposed Roof Plan Rec. 08 May 2017
Dwg No 0182.19	Proposed Site/Block Plan Rec. 08 May 2017

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of the neighbouring properties.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Reason: To ensure a satisfactory appearance to the development.

4. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time above ground floor level in the northeast and southwest facing walls of the building hereby permitted;

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

Case Officer: Jocelyn Miller

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Agenda Item 24



REPORT SUMMARY

REFERENCE NO - 17/503233/FULL		
APPLICATION PROPOSAL Erection of two storey side extension with internal alterations.		
ADDRESS The Willows Buckland Lane Maidstone Kent ME16 0BH		
RECOMMENDATION - REFUSE		
SUMMARY OF REASON FOR REFUSAL The proposal cannot be considered to represent a modest, appropriately designed extension over the original dwelling and for this reason it is considered that the proposal is contrary to saved policy H33 of the 2000 Local Plan, emerging policy DM36 of the submitted version of the Local Plan and adopted SPD – ‘Residential Extensions’.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Harvey wishes to see application reported to Planning Committee if minded to recommend refusal of application		
WARD Bridge	PARISH COUNCIL – N/A	APPLICANT Mr J Jarrett AGENT PT Design
DECISION DUE DATE 18/08/17	PUBLICITY EXPIRY DATE 01/08/17	OFFICER SITE VISIT DATE 24/07/17
RELEVANT PLANNING HISTORY:		

- 17/500208 - 2 storey addition & minor internal alterations at first floor – Refused
- MA/84/1365 - Single storey side extension with pitched roof over – Approved
- MA/82/0262 – Single storey side extension - Approved
- MA/78/1630 - Alterations to elevations and amended siting of house - Approved
- MA/77/0025 - Dwelling – Approved
- MA/76/0696 - Outline application for 2 dwellings - Refused

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 ‘The Willows’ is a detached property that is set within its own relatively large plot at the north-eastern end of Buckland Lane. The property is located with other detached properties (including a number of listed properties) within the cul-de-sac and school playing fields also surround the site. For the purposes of both the 2000 and emerging Local Plan, the proposal site is within the designated countryside.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a 2-storey extension projecting from the south-western flank of the property and includes alterations to the existing side extension. The proposal would provide the applicants with an additional reception room, games room and would see the property go from a 5-bed property to an 8-bed property. The proposal would use clay tile hanging, render, facing brick and clay roof tiles to match the existing property.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV28, H33
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Submitted version of Local Plan (2011-2031): SP17, DM1, DM34, DM36

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No representations received.

5.0 CONSULTATIONS

- 5.01 **Councillor Harvey:** Referred application to committee for following reasons:

"Applicant has taken into consideration decisions from nearby sites and previous applications on current site; submitting revised designs that take into account reasons for refusal in all relevant cases.

Application site is situated at back of enclave surrounded by buildings which reflect a more modern style of design compared to those at front of enclave which are listed buildings. The revised design for extension is therefore in-keeping with buildings that directly neighbour site and that of the current property.

Houses in enclave are built on large, spacious plots and extension proposed reflects this, leaving property surrounded by large amount of open space."

6.0 APPRAISAL

Relevant policy/guidance

- 6.01 In line with saved policy H33 of the 2000 Local Plan and emerging policy DM36 of the submitted version of the Local Plan, the key issues of this proposal are its design and what impact it would have upon the original form of the existing house. The proposal is also under the normal constraints of countryside development under saved policy ENV28 of the 2000 Local Plan and emerging policies SP17 and DM34 of the submitted version of the Local Plan. Please note that in the light of the Local Plan Inspector's findings that the submission Maidstone Borough Local Plan is sound, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination any planning application.
- 6.02 The adopted Supplementary Planning Document – 'Residential extensions' also states;
- *Extensions should be modest in size, subservient to original dwelling and should not overwhelm or destroy its original form.*
 - *Extensions should not create separate dwelling or one of a scale and type of accommodation that is capable of being used as separate dwelling.*
 - *Extensions should cause no adverse impact on character or openness of countryside.*

Design, siting and appearance

- 6.03 Whilst the application site is not clearly visible from any public vantage point and the external materials will match the main house, the proposal is a substantial 2-storey extension measuring some 7.8m in height (not including the chimney); when viewed from its south-western elevation the proposal would measure some 12m wide; and its depth would be some 6.3m. The proposal very much appears as an unacceptably large and excessive extension that takes on the appearance of a separate dwelling. Indeed, the proposal would see the existing house sprawl to some 30m in length when viewed from the front elevation; what was a simply formed property would become over complicated with an additional large expanse of roof area at 2-storey height with varying eaves heights and roof types, including a projecting flat roof element; in terms of scale the proposal is not set down from the main ridge height of the existing house; and being set perpendicular to the main house, the proposal would further complicate and destroy the original linear form of the house as well as

creating a large and dominant elevation that would compete with the existing front elevation. With this considered, the proposal is not considered to be of a modest size; it does not sympathetically relate to the existing house; and it would not appear subservient to the house but overwhelm its original form.

- 6.04 It also appears that in cumulatively taking the volume of the proposal and the other extensions on the original dwelling, this would exceed 50% of the total volume of the original house, which is not judged to be modest under the adopted SPD – ‘Residential Extensions’. It should also be noted that the Supplementary Planning Document – ‘Residential Extensions’ clearly states that it is the size of the original building rather than the size of the plot that will be used in assessing the appropriate size of an extension. So, although the residential curtilage of the application site is quite large, the actual property is considered relatively modest in comparison.
- 6.05 The proposal cannot be considered to represent a modest, appropriately designed extension over the original dwelling and for this reason I consider the proposal to be contrary to saved policy H33, emerging policy DM36 and the adopted SPD.

Other considerations

- 6.06 No objection is raised to this proposal in terms of residential amenity and highway safety; and the proposal would not have an adverse impact upon the setting of the near-by listed buildings. An application for a similar proposal has been refused under 17/500208 and the changes to the proposal’s scale and design are not considered to have overcome this previous objection.
- 6.07 The comments raised by Councillor Harvey have been considered in making this recommendation. I would also add that each application must be considered on its own merits under current policy/guidance; and whilst what extensions are possible under the property’s permitted development rights is a consideration, this proposal requires planning permission and needs to be appropriately assessed.

7.0 CONCLUSION

- 7.01 It is considered that the proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend refusal of this basis.

8.0 RECOMMENDATION – REFUSE for following reason:

- (1) The proposed development, by virtue of its excessive scale, design and orientation would not constitute a modest extension and would be an unacceptable and overwhelming addition to the dwelling, contrary to saved policy H33 of the Maidstone Borough-Wide Local Plan 2000, emerging policy DM36 of the submitted version of the Maidstone Borough Local Plan (2011-2031) and the Residential Extensions DPD (2009).

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.



17/501471 Valley Park School
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REPORT SUMMARY

REFERENCE NO - 17/501471/FULL		
APPLICATION PROPOSAL Erection of a three storey secondary school with associated access, car parking and landscaping.		
ADDRESS Land At Valley Park School, New Cut Road, Maidstone, Kent, ME14 5SL		
RECOMMENDATION – Approved subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed school is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to play space and open space, impact on amenity of neighbouring properties and highway matters.		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council object to the proposed development and have called the application to committee.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT BAM Construction Ltd AGENT Vincent & Gorbing
DECISION DUE DATE 23/06/17	PUBLICITY EXPIRY DATE 24/05/17	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 17/503510/REM – Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale following Outline Approval for 13/1687 - An outline application with all matters reserved for future consideration for a new 12 court sports hall and ancillary accommodation. To be completed in 2 phases – Pending 14/504158/FULL - Proposed new sports equipment storage building - Permitted 14/504161/FULL - Extended area of 3G pitch (with reference to planning application MA/13/1260) the size being increased to 100 x 64m in order to provide an FA adult pitch. Together with 2 additional tennis courts - Permitted 13/1687 - An outline application with all matters reserved for future consideration for a new 12 court sports hall and ancillary accommodation - Permitted 13/1260 - The construction of a new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts; and associated fencing – Permitted 13/2067 - An application for a non-material amendment to planning permission MA/13/1260 being: a) The removal of a retaining wall and replacement with banking; b) A simplification of the access and viewing arrangements; c) A reduction in the number of required floodlight columns from 8 to 6 - Permitted 13/2068 - An application to discharge conditions relating to MA/13/1260 - (The construction of a		

new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts; and associated fencing) - being details of condition 3 (walls and surfacing) and condition 4 (tree protection) – Permitted

12/0526 - Construction of new sports hall with changing rooms – Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to a section of the shared school playing field at Valley Park Community School and Invicta Grammar School. The site is located on the west side of New Cut Road and to the north of Ashford Road. The site currently comprises three sports pitches for use of both schools. There is an existing vehicle access in the southeast corner of the site to the north of the junction at New Cut Road and Ashford Road with an unmade vehicle track running along the eastern boundary within the site. This existing vehicle access is primarily used to access the school playing fields and for maintenance of the grounds. The site can also be accessed on foot via the two schools to the west. The north, east and part of the south and west boundary of the site comprise mature tree and hedgerows along the boundary of the school playing fields. The remaining boundary of the site comprises the school playfields with no fixed or marked boundary treatment. The tree line boundary around the wider school playing field and the trees within the playfields has recently been designated as a group TPO - 5011/2017/TPO.
- 1.2 The application site slopes down gently from north to south while the ground levels within the eastern part of the school playfield fall from north to south by approx. 19m with two fairly significant changes in the ground levels.
- 1.3 The northern boundary of the school playing field abuts PROW KH2 which runs in a south-westerly direction connecting New Cut Road and Grove Green to Huntsman Lane, Vinters Park and Maidstone town centre. Beyond the PROW is Vinters Valley local nature reserve which contains several grade II* listed ha-ha walls. Grove Lodge is a detached residential property located on the north side of PROW KH2. To the south and west of the site are playing fields and sports pitches utilised by Valley Park and Invicta Grammar schools, these schools are located further to the west and are accessed off Huntsman Lane. The playing fields include several grass pitches, tennis courts and an all-weather sports pitch (3G pitch). A third school, East Borough Primary School is located on Vinters Road further to the west. The southwest corner of the shared playing fields is the site for the new sports hall which has extant outline consent and the reserved matters application is currently being considered by the LPA (ref: 17/503510/REM). To the east of the site is New Cut Road with Grove Green housing estate beyond.
- 1.4 The site is located within the urban area of Maidstone and is designated as an Area of Local Landscape Importance in the 2000 Local Plan along with the Vinters Valley local nature reserve to the north of the site, although this designation has not been carried through into the emerging local plan. The proposed site lies within the Vinters Park Landscape Character Area.

2.0 PROPOSAL

- 2.1 Erection of a three storey secondary school with associated access, car parking and landscaping. The new school would accommodate 1,200 pupils equating to 6 forms

of entry (11-18yrs) and 100 full-time equivalent staff. The proposed school would specialise in Science and Technology for students interested in engineering based subjects and would become a member of the Valley Invicta Academies Trust along with Valley Park and Invicta Grammar.

- 2.2 The new school building would be located east of the centre of the existing playing fields with a proposed parking area to the east of the new school adjacent the New Cut Road boundary. A new roundabout access is proposed and would incorporate the opposite New Cut Road and Grovewood Drive South junction. The school building would be three storeys high with a flat roof with a u-shaped footprint of some 3030 sqm with a central courtyard open to the south. The gross floor area of the building would measure some 9188 sqm and the school would have a maximum height of some 12.6m. The building would be formed of two main materials a light grey facing brickwork and darker grey render. The main school entrance would be on the eastern elevation adjacent the parking area and site entrance with a secondary student entrance in the southern elevation via the open courtyard. PV panels are proposed on the roof of the school building.
- 2.3 The proposed roundabout junction would replace the existing junction at New Cut Road and Grovewood Drive South. The roundabout would comprise four arms serving New Cut Road, the new school site and Grovewood Drive South. The vehicle access would require the removal of a number of significant trees along the eastern boundary of the site. The access would serve the proposed school and new sport hall, forming a loop around the proposed parking area and running to the north of the 3G pitch to the new sports hall site.
- 2.4 The proposed parking area incorporates 104 parking spaces for staff and visitors, 7 disabled spaces and 18 drop off bays. Some 30 cycle parking spaces are proposed with sufficient space to accommodate additional cycle storage if the need arises to provide total number of 172 spaces. The exact number of spaces provided at the start of first school year would be secured and determined via condition.
- 2.5 The roundabout and required visibility would result in the loss of approx. 32 trees, some of which are significant mature species, and a 20m stretch of a group of trees. It is proposed to mitigate for the loss of trees with additional tree planting and landscaping within the site. The north and east edge of the car park and vehicle access would include a landscape buffer incorporating new tree planting to screen the parking area. Some 90 new trees would be planted within the site, a majority of which would be located within and around the proposed parking area and adjacent the new roundabout junction to soften the approach into the site and help screen the parking and vehicle access road.
- 2.6 It is proposed that the new school would share the existing playing fields and sports facilities, including the new sports hall (see history), with the two existing schools.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV35, CF1
Emerging Local Plan; DM1, DM3, DM23, DM27
Supporting Documents: Area guidelines for mainstream schools BB103

4.0 LOCAL REPRESENTATIONS

4.1 Some 34 local residents have responded to the public consultation with 31 objections received and 3 comments. The neighbour representations are summarised below.

- Increase traffic on New Cut Road.
- Traffic congestion.
- Noise and pollution from additional traffic.
- Views from rear gardens.
- Noise and light pollution from the school.
- Disturbance during construction works (*non material planning consideration*)
- Parking pressures on surrounding streets, including Grovewood Drive South.
- Negative impact on wildlife.
- Safety and/or traffic calming measures.
- Impact on nearby residential properties.
- Loss of trees.
- Increased litter.
- Loss of privacy, overshadowing.
- Development of the site would detract from the green open space between Maidstone and Weaving.
- Alternative access should be considered opposite Turkey Mill on the A20.
- Consultation by the developer should have covered a wider area.
- Questions whether a new school is required in Maidstone with existing schools undersubscribed.
- Proposed school would not be serving local children.
- Pupils likely to be driven to school rather than catch the bus.
- Traffic safety along New Cut Road.
- Insufficient on-site parking proposed.
- The application fails to take into account the cumulative impact of other developments in the area and impact on the highway network.
- Proposed entrance is dangerous.
- Request lighting is switched off in the evening if proposal is granted.
- The Travel Plan will not resolve the issue of inadequate parking provision.
- Requests for parking restrictions implemented on nearby roads and speed restrictions if the proposal is approved.
- Lack of consultation by the LPA.
- The catchment area will be bigger than indicated on the TA.
- The figures on the TA are inaccurate.
- The development would extend the urban sprawl of Maidstone.
- Increased congestion along New Cut Road would cause rat running via other roads.
- Impact of new roundabout and traffic lights on residential amenity.
- The Integrated Transport Strategy for Maidstone has an overarching objective to reduce transport impacts and the demand for travel.
- There is to be a new school at the Kent Medical Campus.
- No indication of heating proposed for the building.
- Additional ecology (bat / reptile) surveys are required.
- The new school should be built in east Maidstone in proximity to new housing developments.
- Loss of existing playfields at the site including football pitches currently used by Vinters Football Club.

4.2 **Boxley Parish Council:** Raise an objection for the following summarised reasons:

- Consider that an incorrect baseline for vehicle usage assessment. The comparator used for these calculations is Valley Park Community School, which is a comprehensive. The PC believes Invicta Grammar School should be used as a comparator which is also STEM.
- Insufficient car parking.
- Parking pressure in Grove Green from overspill parking and drop off for school children.
- The evidence on committed development in the TAD is incomplete.
- Road safety concerns.
- Traffic congestion.
- Noise, light and air pollution.
- Loss of some very prominent TPO trees.
- The parish council would like to see grey water and PV panels in the design.
- Impact on Vinters Valley nature reserve.
- Cumulative effect of the schools adjacent the site including; highways infrastructure, public transport, litter and local community.
- Should the application be approved the PC request conditions for; parking restrictions in Grovewood Drive South and in the adjacent roads; indigenous trees planting should be used in the landscaping proposals; consideration is given to having a different finishing time to the other schools.

5.0 CONSULTATIONS

- 5.1 **Natural England:** No objections. Recommends following NE Standing Advice and providing biodiversity enhancements.
- 5.2 **KCC Drainage:** No objections regarding the site's drainage design and proposed discharge rates. Recommend conditions.
- 5.3 **Nu-venture buses:** Advise that bus stops should ideally be created on the site. Bus stops nearby the site on main roads should also be considered as not all buses serving schools will be dedicated to that school.
- 5.4 **Arriva buses:** No comments received.
- 5.5 **KCC Archaeology:** No objections. Remains associated with prehistoric and Roman activity may survive on the site. Recommend a condition for archaeological field evaluation prior to commencement of development.
- 5.6 **KCC Ecology:** No objections. Are satisfied the submitted information provides a good overview of the ecological interest of the site. The majority of the site is unsuitable for reptiles. Recommend biodiversity enhancements and a bat scoping survey prior to any trees works.
- 5.7 **Highways England:** Would not raise an objection in respect of this planning application, subject to; a Section 106 agreement being entered into to secure the revised Travel Plan, to include contingency mitigation.
- 5.8 **MBC Environmental Health:** No objections. Recommend conditions to ensure suitable sound insulation and electric car charging conditions to promote sustainable travel. A condition has been requested regarding a code of construction practice, however, the Construction Methodology by Bam has now been updated to include the relevant information therefore a condition is not necessary.

- 5.9 **SGN:** No objections. Advise of pipelines in the area owned by SGN.
- 5.10 **MBC Parks and Open Space:** No objections.
- 5.11 **KCC Highways:** KCC Highways would not raise an objection in respect of this planning application, subject to the applicant being required to enter into a Section 278 Agreement to secure the highway works on New Cut Road (including the upgrade of the New Cut Road/Ashford Road junction) and a Section 106 Agreement to secure the Travel Plan and its associated financial contribution towards additional bus capacity.
- 5.12 **Southern Water:** Advise that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. SW has advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Any improvements required will need to be agreed between the developer and SW and Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be provided. An informative would be attached to the decision to ensure the developer is aware of their responsibility and to contact SW.
- 5.13 **Sport England:** Sport England does not wish to raise an objection to this application as it is considered to meet a mixture of exceptions of policy E4 and E5. Sport England has consulted the FA and they have confirmed that they do not object subject to a community use agreement being secured via a planning condition.
- 5.14 **Natural England:** No objections. Recommend applying standard advice and biodiversity enhancements.
- 5.15 **Kent Police:** No objections. Following initial consultation the applicants have met with Kent Police and an additional drawings has been provided showing the location of CCTV on the site. Request a formal application for BREEAM and Secured By Design (SBD) will be required if appropriate.
- 5.16 **KCC PROW:** No objections. PROW KH2 runs along the northern boundary and should not affect the application.
- 5.17 **MBC Landscape:** The proposal will result in tree removals that will include a number of mature specimens, some of which are high value, together with lower value trees. Visually, the existing tree belt will be split by a significant gap.

6.0 APPRAISAL

Principle of Development

- 6.1 The application proposes a new 1200 student free school within the existing playing fields of Invicta Grammar and Valley Park School. Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Policy CF1 advises new facilities should be provided to meet future need which is generated by new development. Policy CF1 is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. Emerging local plan policies are considered to have full weight at this stage of the local plan process. As set out below, there is currently a deficit of school places within Maidstone and thus there is a context where further education provision is necessary.

- 6.2 Of relevance to this point is that this site and proposed school is included in the KCC Commissioning Plan 2017-2021 to provide secondary school places within the Maidstone area. The Commissioning report states that Secondary School forecasts indicate that from 2017-18 the surplus capacity for Year 7 places will be below the operating guideline of 5% and a substantial deficit of Year 7 places is anticipated from 2018-19 and beyond. The KCC Plan acknowledges that the opening of the new proposed Secondary Free School, the Maidstone School of Science and Technology has been delayed to September 2018. Consequently the number of Year 7 places in Maidstone will be below the target of 5% surplus capacity in 2017-18. KCC anticipate that the proposed 180 Year 7 places at the Free School will meet the majority of the forecast demand for non-selective places in Maidstone town from 2018-19. The Commissioning Plan advises that any further delay in the opening of the school would lead to a significant shortfall in places and little time in which to respond.
- 6.3 The Commissioning report acknowledges that there will also be significant pressure for additional Year 7 places elsewhere in the Borough, which could not reasonably be met by a Free School in central Maidstone and KCC propose to expand Cornwallis Academy to address the demand.
- 6.4 Even with the a new Free School in the borough and expansion of Cornwallis Academy the Commissioning report advises that beyond 2021-22 the pressure on Secondary school places is forecast to increase further.
- 6.5 At a national level, the policy relating to the provision of school development remains a positive one with paragraph 72 of the NPPF stating; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted”*
- 6.6 There is significant support offered by national and local policy for new schools and school expansions. The Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government's Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *“it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”*. It encourages collaborative working, which *“would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes” ”*. It states that *“the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*
- *There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.*
 - *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop*

state-funded schools when determining applications and appeals that come before him for decision.

- *Local authorities should make full use of their planning powers to support state-funded schools applications. ...*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence."*

6.7 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *"the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge."*

6.8 Therefore it is clear the position of the NPPF, wider government policy, the council's existing and emerging policy and KCCs Commissioning Plan, presents strong support for school related development where this can deliver quality school places to meet the needs of the local community. However, it is recognised that the impacts of the new school need to be properly assessed in order to ensure there is no unacceptable harm that would outweigh this strong presumption that weighs heavily in favour of the scheme.

Visual Impact / Design

6.9 At some 12.6m high with a gross floor area of some 9188 sqm the proposed building, associated parking and turning areas would undoubtedly have a visual impact on the existing site and surrounding area. However, the school building would be set well back within the site away from the New Cut Road and Ashford Road frontage and the palette of materials and colours proposed would have a muted appearance and proposed landscaping would soften the impact of the building and parking area. Glimpses of the new building would be afforded through the new entrance, however, the proposed alignment of the new access road and additional tree planting to the north and south of the access would limit views into the site. With the exception of the area required for the new access the existing tree belt along the boundary of the playing field would be retained and there would be additional tree planting around the east and northern parts of the parking area and further tree planting would reinforce the existing tree belt to the north of the existing rugby pitch and south of the parking area.

6.10 Mid-long range views towards the school site are afforded from the higher ground in the neighbouring Vinters Valley nature reserve and glimpses of the top of the floodlights on the 3G pitch are visible in the distance. However, the school building would be bounded by dense mature woodland to the north and northwest and the north part of the building would be recessed to take account of the slope in the ground levels. As such the building would be screened from mid-long range views and would not appear significantly prominent or obtrusive from the nature reserve.

6.11 Overall it is therefore considered that the school building and associated parking area would not appear significantly prominent

- 6.12 The main visual impact would arise from the creation of a new roundabout along New Cut Road which would require a significant number of trees to be removed to accommodate the new entrance, roundabout junction and necessary visibility splays. The removal of trees along the eastern boundary of the site would clearly be regrettable and does weigh against the proposal, but would be an inevitable requirement of any new access along this site boundary. The various access options will be reviewed in greater detail below. In terms of the visual impact of the proposed roundabout, New Cut Road is a busy through road in the urban area of Maidstone and there are three existing roundabouts on New Cut Road to the north of the site such that I do not consider the introduction of a new roundabout here would appear incongruous in this location.
- 6.13 The proposed location of the school has been determined by a number of factors including (inter alia) ground levels, retention of playing pitches, vehicle access, loss of trees and deliverability. The proposed location of the school and car park is considered to be the most appropriate location on site in terms of deliverability which is affected by fairly significant changes in ground level across the eastern part of the shared playing fields. A requirement by Sport England to retain the best sports pitches at the southern end of the playing fields has been a key determining factor in choosing the proposed location. The impact on playing pitches will be looked at in greater detail below.
- 6.14 In terms of the design and layout, the school building would be three storeys with a flat roof with a u-shaped footprint of some 3030 sqm with a central courtyard open to the south. The flat roof would have space to facilitate PV panels, the design and location of which would be secured by condition. The gross floor area of the building would measure some 9188 sqm and have a maximum height of some 12.6m. The building would be formed of two main materials a light grey facing brickwork and darker grey render with recessed windows framed by coloured (dark grey and light blue) panels. The main school entrance would be on the eastern elevation adjacent the parking marking a clear entrance / focal point on the front elevation of the building. There would be a secondary student entrance in the southern elevation via a south facing courtyard which would form as a key focal point for students and would benefit from grassed areas, planters and seating making this an attractive open space. Landscaping would be located at the front the school, along the boundaries and within the car park to soften the impact of the built development.
- 6.15 Subject to suitable conditions relating to materials, landscaping, it is considered from a design and layout perspective, the development would constitute good design and would accord with policy DM1 and Section 7 of the NPPF.

Highways

- 6.16 The proposed parking area incorporates 104 parking spaces for staff and visitors, 7 disabled spaces and 18 drop off bays. Some 30 cycle parking spaces are proposed with sufficient space to accommodate additional cycle storage if the need arises to provide a policy compliant total number of 172 spaces. KCC Highways have not objected to the car parking provision which would be in accordance with guidance and the internal loop road within the site would accommodate sufficient space to allow vehicle pick up and drop off within the site so as not to disrupt the surrounding road networks. Concerns have been raised by local residents regarding the potential for 6th form students to park in the adjacent roads in Grove Green. To overcome this the applicant has proposed a Temporary Traffic Regulation Order to restrict parking within the nearby residential road for a limited time period during school hours to deter students from parking in the area. The number of cycle spaces is low (although there would be space to expand) and through negotiations the applicant

has agreed to increase the number of cycle parking spaces from the start of the first school year which would promote cycle usage and help reduce vehicle trips to the school. The exact number of cycle spaces to be provided from the start of the first school year would be secured by condition.

Pedestrian connectivity

- 6.17 The site is located less than 1 mile from Maidstone town centre and is bound by the east by New Cut Road which is a key distributor route, and to the south by Ashford Road which is a primary route between Maidstone and villages to the east.
- 6.18 The site is well connected to the town centre by pedestrian footpaths. The proposed layout includes a new footpath within the site which would connect the new school with Valley Park and Invicta Grammar schools to the west and, it is envisaged that pupils accessing the school from the west, town centre, train station, and central town centre bus depot, would access the site via Huntsman Lane and walk through the existing school sites. The site is therefore considered to offer sustainable, safe and accessible pedestrian and cycle access from the town centre.
- 6.19 There is a pedestrian footpath on the northern side of Ashford Road (and cycle path along part of the route) and along the eastern side of New Cut Road, and the junction at Ashford Road / New Cut Road is signalised to allow safe crossing. A new pedestrian / cycle path is proposed within the site to connect the school with the existing access gate in the southeast corner of the playing fields. The new path would need to have low level ecology lighting to ensure safe use and the path would link up to the existing footpath and cycle route at the Ashford Road / New Cut Road junction. This new internal path would follow the route of an existing unmade vehicle access road within the site and would allow pedestrians and cycles to enter the southeast corner of the site thus avoiding the busy New Cut Road. This access would also serve pupils using the bus stops near the signalised junction on Ashford Road.
- 6.20 The proposed roundabout design would include pedestrian puffin crossing to the north of the roundabout with a new section of pedestrian footpath on the western side of New Cut Road to enable safe pedestrian access into the school from pupils coming from Grove Green and the east and from the north along New Cut Road.
- 6.21 PROW KH2 runs along the northern boundary of the application site in a south-westerly direction connecting New Cut Road and Grove Green to Huntsman Lane, Vinters Park and Maidstone town centre. The PROW is currently used by pupils from Valley Park and Invicta travelling to school from the east. It is envisaged that the new internal pedestrian route linking the three schools would reduce the likelihood that KH2 would be utilised by the pupils from the new school as it would not form the most direct route to the town centre. A pedestrian connection could be provided to KH2 in the northeast corner of the site, however, a new internal access route would need to be provided and this would have an impact on the existing sports pitches and would also require the removal of existing boundary vegetation such that this has not been proposed by the applicant.
- 6.22 Overall, school site is considered to have good pedestrian accessibility to the surrounding area.

Access

- 6.23 Several different access options have been assessed by the school taking into account the impact on the tree lined boundary, ground levels, highways safety and congestion impacts, costings, deliverability and neighbouring amenity.

- 6.24 The proposed vehicle access comprises a new 4-arm roundabout junction on New Cut Road, which will incorporate the main site access and the existing Grovewood Drive South junction.
- 6.25 Objections and concerns have been raised regarding the loss of trees due to the choice of a roundabout access in this location. Prior to this application being submitted none of the trees along the eastern boundary of the school playing field were protected by TPOs and could have been removed by the school without obtaining permission from the council.
- 6.26 The location of the school within site together with the highways safety / capacity impacts and ground level changes has largely dictated the choice and location of the proposed access point. The applicant has submitted an Access Options Assessment reviewing four potential access points along New Cut Road. A further option was reviewed on Ashford Road but this was discounted due to the significant loss of trees and highways impacts of providing a new junction along this primary route. All of the options along New Cut Road would result in a significant loss of trees, however, some options would require fewer trees or less mature trees to be removed. The different access options have varying impact on highways safety, free flow of traffic along New Cut Road and Ashford Road while some options are considered to be more deliverable than others. Taking all of these matters into consideration, on balance, the roundabout option was considered to be the most appropriate all round solution at this site. Option 2 relates to the proposed location of the roundabout.
- Option 1 – Southeast corner of the playing fields
- 6.27 The existing gated vehicle access in the southeast corner of the site was discounted as only a left in / left out access could be achieved. Further, a signalised junction would not be possible due to the proximity to the A20 / New Cut Road junction. This access point is also discounted from the school site and would require the loss of significant number of trees and the loss of a further sports pitch as a new internal access road would be required. This option has been discounted.
- Option 2 – Proposed location
- 6.28 This option provides the best connectivity to the car park and school building. The applicant has reviewed two junction options at this location, a signalised junction and the proposed roundabout. The signalised junction has been tested and shown to operate poorly in capacity terms and would also impact on the existing signalised junction at Ashford Road / New Cut junction, creating additional congestion. Both options would improve accessibility into Grove Green estate opposite the site and controlled pedestrian crossing could be provided on New Cut Road. The roundabout would result in betterment in terms of traffic flows and reduced congestion times along New Cut Road compared to the existing situation. It is noted that the proposed development is only required to mitigate its own impact in terms of additional traffic generation, however, with future growth in Maidstone proposed, a betterment in traffic flows along New Cut is considered a significant benefit of the roundabout option. The applicant has confirmed that both junction options would cost approximately the same to deliver. Both options would also require the removal of a significant number of trees to accommodate the new access. The signalised junction would require fewer trees to be removed along the New Cut Road boundary and would clearly be the less obtrusive option in terms of the visual impact on the streetscape / tree belt along the boundary of the site, however, this option would also require the removal of more trees within the site and would allow unobstructed views into the site along a straight internal access road. The signalised junction would

also require a revised internal parking / access layout to ensure cars do not queue and block traffic on New Cut Road, which in turn is likely to impact on more sports pitches and the existing tree belt to the south of the site. To my mind this is a clear case of balancing up between the loss of trees and the highways impacts / improvements between the two options. As both options would result in the significant loss of trees and therefore harmful visual impact along New Cut Road, overall on balance, it is therefore considered that the roundabout offers the better solution as this option would result in highway betterment along New Cut Road and would reduce congestion in the immediate and longer term.

Option 3 – northeast of site

- 6.29 This option is located to the northeast of the school site. An uncontrolled priority junction in this location could be provided, however, the applicant has advised that a right hand turning lane (additional lane) would need to be provided on New Cut Road to allow safe uncongested access into the site. Due to the location of private properties along the east side of New Cut Road the road would need to be widened on the west / school side which would result in a significant amount of tree removal along the boundary of the site and New Cut Road, although it would likely result in the loss of fewer mature / significant trees than the other options. This access option is also disconnected from the school site and the route of the internal access road would result in the loss of a further sports pitch and urbanising engineering works to deal with levels changes within the site. This option has been discounted.

Option 4 – far northeast corner of the site

- 6.30 This option is located to northeast corner of the site. Again, an uncontrolled priority junction in this location could be provided in this location. Again the likely inclusion of right hand turn lane would require road widening and the loss of trees, including in areas outside the schools ownership. This option is notably disconnected from the school building and the new internal road would require the loss of a further sports pitch and significant engineering works within the site to address the levels changes along the route of the internal access road. This option has been discounted.
- 6.31 KCC Highways raise no objections to the proposed roundabout access advising the crucial difference between the two junction types is that a roundabout provides a more effective means of maintaining traffic flow along New Cut Road and is less likely to result in queues that block back either to or from the Ashford Road/New Cut Lane junction. KCC also advise that the roundabout proposal would provide a physical means of reducing vehicle speeds in the vicinity of the site, which will be important in view of the pedestrian/cyclist activity generated by the school. A reduction in the speed limit on New Cut Road from 40 mph to 30 mph is also proposed, which will need to be secured via a Traffic Regulation Order.
- 6.32 The proposed roundabout access arrangements have been the subject of a Stage 1 Road Safety Audit, which takes account of the proposed controlled crossing. KCC Highways have advised that the majority of the auditors' recommendations have been satisfactorily addressed in the Designers Response. The outstanding point relates to the introduction of a shared cycle route to the north on New Cut Road and this will be investigated and, if appropriate, included within the scope of Section 278 Agreement works required for the proposed roundabout and crossing.

Trip generation

- 6.33 The trip generation forecasts are founded on an assumption that the pupil mode share will reflect that of the nearby Valley Park School, including 53% walking, 2% cycling, 20% travelling by bus and 11% travelling by car. Using Valley Park as a comparator school site has been accepted by KCC and HE.

- 6.34 The trip distribution assumptions are based on the areas where housing growth is planned to take place (as identified in the emerging local plan) and the catchment areas served by the nearby Valley Park and Invicta Grammar Schools. This reflects the likelihood that the school will primarily cater for the demand associated with new areas of housing in and around Maidstone.
- 6.35 The resulting trip generation forecasts indicate that, in total, there will be 230 additional vehicle movements in the AM peak (08:00 – 09:00) and 195 additional vehicle movements in the PM peak (15:00 – 16:00), although this is outside the normal PM Peak rush hour. It is also of note that 240 pupils are expected to travel by bus.
- 6.36 The assumptions are that 55% of pupil trips will involve routes to/from the south, with 25% using Ashford Road (A20) to the east, 20% using Ashford Road to the west and 10% using Willington Street to the south. The remaining 45% of pupils will head to/from the northern part of New Cut Road. The staff distribution is weighted more towards the northern part of New Cut Road (59%).
- 6.37 The Transport Assessment identifies that the vehicle trips associated with the new school would result in a worsening of operating conditions and queuing delays at nearby junctions including the Bearsted Road/New Cut Road/Newham Court Way junction and the M20 Junction 7.
- 6.38 KCC advises that capacity modelling findings should be viewed in the context of the operational characteristics of the school. These mean that the impact of additional traffic on congestion will be limited to during school term-time and concentrated within short time periods at the beginning and end of the school day. In addition, Highways England has acknowledged that the proposed development will only impact the Strategic Road Network in one Peak Hour (AM Peak) and have included an allowance for the potential for linked trips and diverted trips.
- 6.39 The NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this regard KCC Highways are not able to conclude that the development will result in conditions that could be described as a severe impact on congestion or safety. KCC do advise Members that the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.
- 6.40 Highways England has confirmed that the school site would not be required to contribute towards improvements to M20 Junction 7 on the provision that there is a robust travel plan secured by S106 with contingency measures included should the school not meet the aims and objectives of the travel plan.
- 6.41 An updated Interim Travel Plan has been submitted in support of this application and this has been reviewed by KCC Highways and Highways England.
- 6.42 Highways England advise that in theory, if implemented and monitored appropriately, the Travel Plan should be capable of achieving the desired outcomes; in which case nothing more would need to be done. However, to ensure that Highways England requirements are met and vehicle trips to the school do not exceed the assumption in the TA and TP, they have requested that as a fall-back position and an incentive to the school, alternative mitigation should be secured via the TP and associated S106, should the desired outcomes of the TP not be achieved. The TP would therefore

need to be secured through an S016 agreement to secure an appropriate contingency contribution and monitoring fee for the TP.

- 6.43 HE has suggested that one way to achieve the contingency could be to align the school to the “managed approach” to the required M20 Junction 7 mitigation scheme works. In this case, the further mitigation would be a payment in line with the “managed approach” methodology, calculated based on the additional vehicles generated above the levels presented within the Transport Assessment. The sums contributed would go towards sustainable transport scheme benefitting the area. Using formulae aligned with a “managed approach” the school would have absolute clarity of what the penalty would be for any given level of exceedance over the mode share targets. Alternatively, HE would be content to negotiate an acceptable “Trip Mitigation Sum” (as referenced in Transport for London Travel Plan sanction guidance).
- 6.44 Therefore, should the school fail to meet the objectives of the TP alternative mitigation will be secured through the S106 to be used on sustainable transport scheme(s) benefitting the area and relevant to the proposed development which could include, but not necessarily limited to:
- Upgrading cycle routes.
 - Illumination of PROWs
 - Bus contributions
 - Bus discounts / tickets for pupils
 - Bike tokens for pupils
 - Pedestrian crossing points
 - Additional electrical vehicle charging points
- 6.45 The total capped figure for the TP mitigation has not been determined yet and until a fully justified and reasonable figure has been provided the school will not be will not be in a position to agree. To allow further negotiations and to agree an appropriate contingency figure and TP monitoring fee Members are asked to give the Head of Planning and Development full delegated powers to secure the details of the Travel Plan, the monitoring contribution and level of the contingency contributions and triggers.
- 6.46 To promote sustainable travel and support a robust travel plan, additional cycle parking (more than 30 spaces) will be provided when the school first opens and it is also proposed to reduce the amount of on-site car parking from that shown on the current plans in order to promote car sharing, bus use and other sustainable modes of transport. This has been agreed by the applicant and would be secured by condition, including the number of spaces that would need to be omitted in order to promote sustainable travel.
- 6.47 KCC Highways have acknowledged that schools by their nature tend to benefit from a high proportion of sustainable journeys on foot, by bicycle and by bus compared to other land uses. However, KCC has advised that the proposed new school would have an impact on the existing bus network as a result of the additional 240 pupils that are expected to travel by bus. In order to mitigate the potential impact on the existing bus network KCC have requested an annual contribution from the school £139,080, to provide for additional bus capacity in perpetuity. This contribution request is not considered to meet the relevant CIL tests and given that a robust travel plan would be secured by a S106 this open-ended contribution towards local bus services is not deemed to be reasonable or necessary.
- 6.48 To conclude

Highways England and KCC Highways advise that they would not raise an objection to the planning application subject to a Section 106 Agreement to secure the revised Travel Plan to include contingency mitigation as set out above.

Residential Amenity

- 6.49 The new school building, car park and vehicle access would be located a sufficient distance from neighbouring residential properties such that there would be no unacceptable impact in terms of loss of light, privacy or outlook. The proposed roundabout layout would not relocate the highway any closer towards the rear gardens / properties backing onto New Cut Road than the current arrangement.

Sports pitch provision

- 6.50 The existing shared playing fields consist of 10 marked out sports pitches, a 3G pitch, an astro turf pitch (located between Valley Park and Invicta School) and 8 tennis / netball courts and cricket nets. The grass sports pitches are of varying quality depended on the size and gradient of the land. The best grass sports pitches comprise the 2 x rugby pitches and a football pitch located in the southeast part of the playing fields and would be retained as part of the proposal. The loss of the best playing surfaces on the site would not be supported by Sport England. The other remaining grass pitches are not drained and all slope to varying degrees.
- 6.51 The proposed school site would result in the loss of three football pitches and one tennis court (which would be replaced). It is necessary to assess whether the loss of these three pitches would be acceptable, and more importantly whether the shared playing fields / sports pitch provision at the overall site would provide sufficient sports pitch provision for all three schools (Valley Park, Invicta Grammar and the proposed Free School).
- 6.52 Due to the loss of sports pitches there is a statutory requirement to consult Sport England and they have confirmed that they have no objections to the proposed development in terms of sports pitch provision and shared facilities subject to a community use agreement being secured via a planning condition.
- 6.53 SE has confirmed that the new artificial (3G) pitch on the site mitigates the loss of three grass pitches. The 3G pitch is floodlit and is a versatile playing surface and has the benefit that it can be used continually throughout the day and all year round, whereas grass pitches can only be used for a limited period of time and are therefore less versatile.
- 6.54 In addition to the existing sports pitch provision on the site, there is an outline planning consent on the school playing fields for a new sports hall which would provide indoor sports provision and would be shared by the three schools. The current school planning application would secure the new access road and car parking for the proposed sports hall and existing 3G pitch. The reserved matters application for the new sports hall is currently being considered by the LPA and a condition is recommended to ensure the first phase of the new sports hall is provided at the same time as the new school. Subject to such a condition SE has confirmed that sufficient sports pitch provision would be provided for the three schools through the existing play pitch provision and proposed indoor sports hall. SE therefore advise that the proposed development would be in accordance with SE policies and SE do not raise any objections subject to conditions, including a condition to secure a community use agreement which would be in accordance with emerging policy DM23 which advises (inter alia) that *'The council will seek to ensure, where appropriate, that providers of education facilities make provision for dual use of facilities in the*

design of new schools, and will encourage the dual use of education facilities (new and existing) for recreation and other purposes’.

Ecology

- 6.55 The application site located adjacent to Vinters Park nature reserve and reptiles are known to be present within this area. The application is accompanied by an ecology scoping survey that identifies that a majority of the application site is unsuitable for reptiles being managed playing field and tree cover. KCC ecology has advised that there is no requirement for a specific reptile survey and raise no objections in terms of impact on reptiles.
- 6.56 KCC Ecology has confirmed that all the trees to be felled (for the access road) have a low/negligible potential to be suitable for roosting bats and KCC are satisfied that no additional emergence surveys are required to determine the planning application. A condition is recommended to secure a soft fell technique under the watching brief of a licenced ecologist.
- 6.57 The site is bounded by a mature tree belt and a lighting scheme has been provided which demonstrates that the applicant is taking steps to minimise impacts on foraging/commuting bats. KCC has advised that they are satisfied that the finalised lighting scheme can be submitted as a condition of planning permission which shall be informed by a bat activity survey. The school have also indicated that the lighting will be turned off by 10pm every night and this would be secured by condition.
- 6.58 The ecology scoping survey advises that there are opportunities to incorporate biodiversity within the site in accordance with the NPPF and KCC ecology has confirmed that the enhancements can be secured by condition which would ensure that the ecological enhancements are over and above any ecological mitigation which is required.

Landscape

- 6.59 The proposed roundabout access would result in a loss of a significant number of trees along New Cut Road. However, as advised above the Access Options Assessment indicates that a significant number of trees would need to be removed for any new access along New Cut Road and the proposed location and roundabout access have been proposed due to a number of determining factors as described above.
- 6.60 The submitted arboricultural report considers the roundabout option in detail. The roundabout proposal will cut through the existing belt of mixed woodland, which contains a wide range of species of varying age up to over-mature specimens. There are direct losses to accommodate the junction and associated works, including footpaths and visibility splays, which includes a large A graded Oak tree and 12 B graded trees, together with 17 C graded trees and a group of trees also graded C. Two U grade trees would also be removed - trees of a condition that they should be removed irrespective of this proposal.
- 6.61 The council's tree officer has advised that in general, the submitted tree surveys are an accurate assessment of the trees present and the reasoning behind the proposed removals based on sound arboricultural judgement in the context of the proposal. However, the tree officer has advised that whilst the assignment of tree categories appears to be in line with the recommendations of BS5837, it should be noted that some of the trees assigned lower gradings based on their arboricultural condition may be considered of higher value for other reasons – for example, it has been suggested that the C graded Holly T38 may be a veteran tree. The tree officer has

advised from his own assessment of this is that it may be considered an early veteran based on its stem diameter and because it is beginning to develop features of a veteran. Other mature trees that are in poor condition might also be potential veterans and provide habitat.

- 6.62 It is acknowledged that the proposal will result in tree removals that will include a number of mature specimens, some of which are high value, together with lower value trees. Visually, the existing tree belt will be split by a significant gap. The loss of trees along New Cut Road does clearly weigh against the proposal and would need to be considered in the balancing exercise when determining this proposed development. In addition, the scheme proposes a comprehensive landscaping and tree planting plan which proposes to replant some 90 new trees on the site which equates to more trees than would need to be removed to facilitate the site access, which would in part mitigate the impacts of the roundabout and tree loss in accordance with saved policy ENV6.

Other matters

- 6.63 KCC Drainage have confirmed that the proposed drainage design / strategy is acceptable subject to further details being submitted by condition to secure the necessary drainage rates and to ensure there is no pollution risk. The site is located in flood zone 1 with a low risk of flooding and the EA has raised no objections.
- 6.64 The application site lies in an area of archaeological potential and KCC Archaeology have advised that remains associated with prehistoric and roman activity may survive on site and therefore recommend an archaeological field evaluation and recording condition.
- 6.65 An Environmental Noise Impact Assessment has been submitted in support of this application. The EHO has advised that potential noise nuisance from plant equipment should be guarded against through relevant conditions attached to any planning permission granted. The impact of existing traffic noise on the proposed development has also been assessed and the EHO has advised that acceptable indoor noise levels would be achieved with natural ventilation as the proposed layout has the most sensitive teaching rooms in acoustically sheltered locations. The site is within the Maidstone Town Air Quality Management Area. In this regard the EHO does not consider the scale of this development and/or its site position warrants an air quality assessment or an Air Quality Emissions Reduction condition. Electric Vehicle charging points would be installed at the site and a travel plan would promote sustainable travel such that there is not considered to be an unacceptable increase in air pollution from the proposed development. The EHO has confirmed that there is no indication of land contamination or high radon concentrations at the application site.
- 6.66 Southern Water has confirmed that there is currently inadequate capacity in the local network to provide foul sewage and, 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 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Southern Water has a legal obligation to provide capacity and an informative will be added to the decision notice advising the developer to contact SW.

7.0 CONCLUSION – PLANNING BALANCE

- 7.1 The relevant planning and government guidance set out strong support for new school facilities and there is an identified current and future need in the area for a new secondary school and the school itself is identified within the KCC Commissioning Plan for the area. In light of NPPF guidance and significant government support, such considerations must be given significant weight in any decision.
- 7.2 The proposal would constitute a good standard of design and would not appear significantly prominent within the site due to the boundary screening and set back from the road. The proposal would meet the relevant government standards for a new school and will ensure sufficient sports provision on the site for the three schools as confirmed by Sport England and a Community Use Agreement would ensure the sports pitches are available to the local community.
- 7.3 Against the proposal is the loss of a significant number of trees along the New Cut Road frontage. However, as identified above the proposed location of the school building and the roundabout has been determined by a number of factors, including highways capacity and safety, retention of the best sports pitches on the site and ground levels and, it is noted that any new access point along New Cut Road would result in the loss of a significant number of trees. Other access locations / designs would result in the loss of less mature / significant trees than the proposed access, however, the roundabout access and location has been led by a number of factors including Sport England's requirement to retain the best / most grass playing pitches within the site, the ground level changes and the fact that the roundabout would result in a betterment in terms of traffic flows and reduced congestion times along New Cut Road compared to the existing situation. In addition, the scheme proposes a comprehensive landscaping and tree planting plan which proposes to replant some 90 new trees on the site which is more trees than would need to be removed to facilitate the site access, which would in part mitigate the impacts of the roundabout and tree loss in accordance with saved policy ENV6.
- 7.4 The new school would result in additional traffic flows and congestion at nearby junctions, a point which does weigh against the proposed development. However, the impacts of the scheme on the wider Highway network including the M20 Junction 7 are not considered to cause a severe impact subject to a robust Travel Plan being secured by a S106 which would include contingency funding and appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development. Although Highways England do note that if the TP is implemented and monitored appropriately, the mitigation would not be required.
- 7.5 The scheme is acceptable in all other regards including that relating to neighbour amenity, drainage, air quality and heritage.
- 7.6 Therefore, on balance, it is considered that the strong educational support in government guidance and local policy, the identified need in the KCC Commissioning Plan and the lack of alternative sites, represent material considerations and together with the ecological enhancements, traffic flow and reduction in congestion and other factors, would outweigh the harm caused resulting from the loss of the trees along the east side of New Cut Road.

8.0 RECOMMENDATION – Approval subject to planning conditions and to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- Travel Plan, including a monitoring fee and contingency funding to provide appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development

CONDITIONS

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. The premises shall be used for a school and for no other purpose (including any other purposes in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

3. Prior to the commencement of development, a phasing strategy for the delivery of the development hereby approved, including condition discharge, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include, but not be limited to:

- Key milestones in the development of the site;
- Commencement on site;
- Timescales for installation of utilities;
- Phases of development of the building;
- Timings for hard and soft landscaping;
- Associated timings for discharge of conditions.

The development shall thereafter be carried out in accordance with the approved phasing strategy.

Reason: To ensure satisfactory progression of the development.

4. The erection of fencing for the protection of any retained tree or hedge shall be carried out in complete accordance with BS5837:2012 and as shown on plan reference TPP01, before any equipment, machinery, or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this

condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

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

5. In accordance with the phasing strategy, as approved under condition 3, a construction specification/method statement for the delivery of any aspect of the development hereby permitted, falling within 5m of the Root Protection Area, approved under condition 4, shall be submitted to and approved in writing by the Local Planning Authority, prior to the works being undertaken. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the trees on the site.

6. In accordance with the phasing strategy, as approved under condition 3, details of all the external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

7. In accordance with the phasing strategy, as approved under condition 3, details of all the external windows and door, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

8. In accordance with the phasing strategy, as approved under condition 3, a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate not exceeding 3.9l/s. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

9. In accordance with the phasing strategy, as approved under condition 3, details of both the hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground.

Soft Landscaping details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
- Implementation timetables.

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

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

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

11. The external lighting shall be implemented in accordance with the details shown with the Lighting Assessment Statement (SSt-BMD-ZZ-XX-RP-M-48700) and associated plan reference SST-BMD-ZZ-XX-DR-E-40901-P02. The lighting shall thereafter be retained in the approved form.

Reason: To ensure a satisfactory appearance to the development and to safeguard neighbour amenity and ecology.

12. All external lighting shall be turned off by no later than 22:00 on any given day.

Reason: To safeguard neighbour amenity and ecology.

13. In accordance with the phasing strategy, as approved under condition 3, details of the proposed cycle parking enclosures shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be installed in accordance with the details approved and retained thereafter.

Reason: To promote sustainable travel.

14. In accordance with the phasing strategy, as approved under condition 3, a landscape management plan, including long term design objectives (10 years), management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

15. In accordance with the phasing strategy, as approved under condition 3, details of the proposed car parking spaces and drop off / pick area shall be submitted to and approved in writing by the Local Planning Authority. The agreed car parking shall be installed in accordance with the details approved and retained thereafter.

Reason: To ensure adequate parking provision is provided to promote sustainable modes of travel in accordance with the travel plan

16. Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the site.

17. In accordance with the phasing strategy, as approved under Condition 3, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds, bats and reptiles and shall include provision of bat boxes, bird boxes and native planting. The enhancement plan must provide details on how the enhancements will be managed long term. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

18. In accordance with the phasing strategy, as approved under Condition 3, a bat scoping survey shall be carried out prior to any works commencing within 10metres of the trees on the site. The bat scoping survey, emergence survey (if required) and details of any bat mitigation required must be submitted for written approval by the LPA. The removal of the tree must be carried out as detailed within the submitted documents.

Reason: In the interest of ecology and bat protection.

19. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

20. In accordance with the phasing strategy, as approved under condition 3, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: To protect occupants from noise and disturbance.

21. In accordance with the phasing strategy, as approved under condition 3, details of a minimum of two electric vehicle charging points, including a programme for their installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the building(s) hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

22. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing field and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review [, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facility]. The development shall not be used at any time other than in strict compliance with the approved agreement;

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport;

23. Prior to the first occupation of the school hereby permitted, the sports hall access road and car parking, replacement tennis court and long jump facility shall be constructed and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

24. Prior to the first occupation of the school hereby permitted, a six court sports hall, pursuant to application 12/0526 "Construction of new sports hall with changing rooms", or any subsequent planning application approved by the Local Planning Authority, shall be constructed and made available for use.'

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

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

1	A,	11408-H-01	P3,	11408-H-02	P3,	11408-H-03	P3,
16777-KSS-00-00-DR-A-01001			P7,	16777-KSS-00-01-DR-A-01001			P7,
16777-KSS-00-02-DR-A-01001			P7,	16777-KSS-00-03-DR-A-01001			P3,
16777-KSS-00-XX-VS-A-70001			P1,	16777-KSS-00-XX-VS-A-70002			P1,
16777-KSS-00-XX-VS-A-70003			P1,	16777-KSS-00-Z0-DR-A-00001			P4,
16777-KSS-00-Z0-DR-A-00002			P3,	16777-KSS-00-ZZ-DR-A-02001			P3,
16777-KSS-00-ZZ-DR-A-02002			P3,	16777-KSS-00-ZZ-DR-A-03010			P3,

6418-MST-KSA-Z0-ZZ-DR-C-6000-S2-P1; received 15.03.2017

LP2073-FIRA-LA-WS-L-93-01, LP2073-FIRA-LA-WS-L-93-02, NBMC102/23044/1 - 3a, NBMC102/23045/1 - 3b, NBMC102/23101/1 - 3a, NBMC102/23102/1 - 3b, SST-BMD-ZZ-XX-DR-E-40901-P03, SST-BMD-ZZ-XX-DR-E-40902-P03, SST-BMD-ZZ-XX-DR-E-40903-P03, SST-BMD-ZZ-XX-DR-E-40904-P03; received 24.03.2017 and LP2073-FIRA-LA-WS-L-90-01G, LP2073-FIRA-LA-WS-L-90-02G, LP2073-FIRA-LA-WS-L-90-03; received 27.03.2017 and SSTM-BHD-BG-XX-DR-E-49050-P03; dated April 2017

Supporting Documents: Acoustic Report by ADT; dated 6 March 2017, Arboricultural Impact Assessment and Method Statement (ref:NBMC102/002) by Thomson Ecology; dated March 2017, Archaeological Desk Based Report by ARS Ltd; dated March 2017, Flood Risk Assessment by Kirksaunders; dated March 2017, External Lighting Assessment (SST-BMD-00-XX-RP-M-48700-S2) by Bam; dated 22.02.2017, Interim Travel Plan and Transport Assessment by DHA Transport (PL/HA/11408); dated March 2017, Planning Statement by Vincent+Gorbing; dated March 2017, Primary Ecological Assessment by Thomson Ecology; dated March 2017, Landscape & Visual Impact Assessment by fra; dated March 2017 and Heritage Statement by Archaeological Research Service Ltd, Construction Methodology by Bam; received 15.05.2017.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

A wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Case Officer: Andrew Jolly

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Agenda Item 26

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 17th August 2017**

APPEAL DECISIONS:

1. 17/500401

Two bedroom bungalow (revised application)

APPEAL: Allowed

67 Calder Road
Maidstone
Kent
ME14 2QG

(Non Determination)
