PLANNING COMMITTEE MEETING

Date: Thursday 7 September 2017
Time: 6.00 p.m.
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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AGENDA Page No.

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	Items withdrawn from the Agenda	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 - 14 September 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	
9.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10.	Minutes of the meeting held on 17 August 2017 adjourned to 24 August 2017 - to follow	
11.	Presentation of Petitions (if any)	
12.	Report of the Head of Planning and Development - Deferred Items	1
13.	15/509015 - Land South of Sutton Road, Langley, Kent	2 - 121

Issued on Wednesday 30 August 2017 **Continued Over/:**

Alison Broom

Alison Broom, Chief Executive

MAIDSTONE Borough Council

14.	15/509251 - Land North Of Bicknor Wood, Sutton Road, Maidstone, Kent	122 - 226
15.	16/506349 - Bearsted Football Club, Honey Lane, Otham, Kent	227 - 233
16.	17/500117 - Unit 33 Adjacent Lordswood Industrial Estate, Gleamingwood Drive, Lordswood, Kent	234 - 245
17.	17/501093 - Land West Of Mill Bank, Maidstone Road, Headcorn, Kent	246 - 263
18.	17/501449 - Land North Of Bicknor Wood, Sutton Road, Maidstone, Kent	264 - 318
19.	17/502072 - Land South of Forstal Lane, Coxheath, Kent	319 - 339
20.	17/502386 - The Haven, Hunton Road, Marden, Tonbridge, Kent	340 - 345
21.	17/503091 - Barty House Nursing Home, Roundwell, Bearsted, Maidstone, Kent	346 - 351
22.	5010/2017/TPO - 19 St Lukes Avenue, Maidstone, Kent	352 - 356
23.	Appeal Decisions	357
24.	Chairman's Announcements	

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 made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact 01622 602030 or committeeservices@maidstone.gov.uk.** To find out more about the work of the Committee, please visit **www.maidstone.gov.uk**

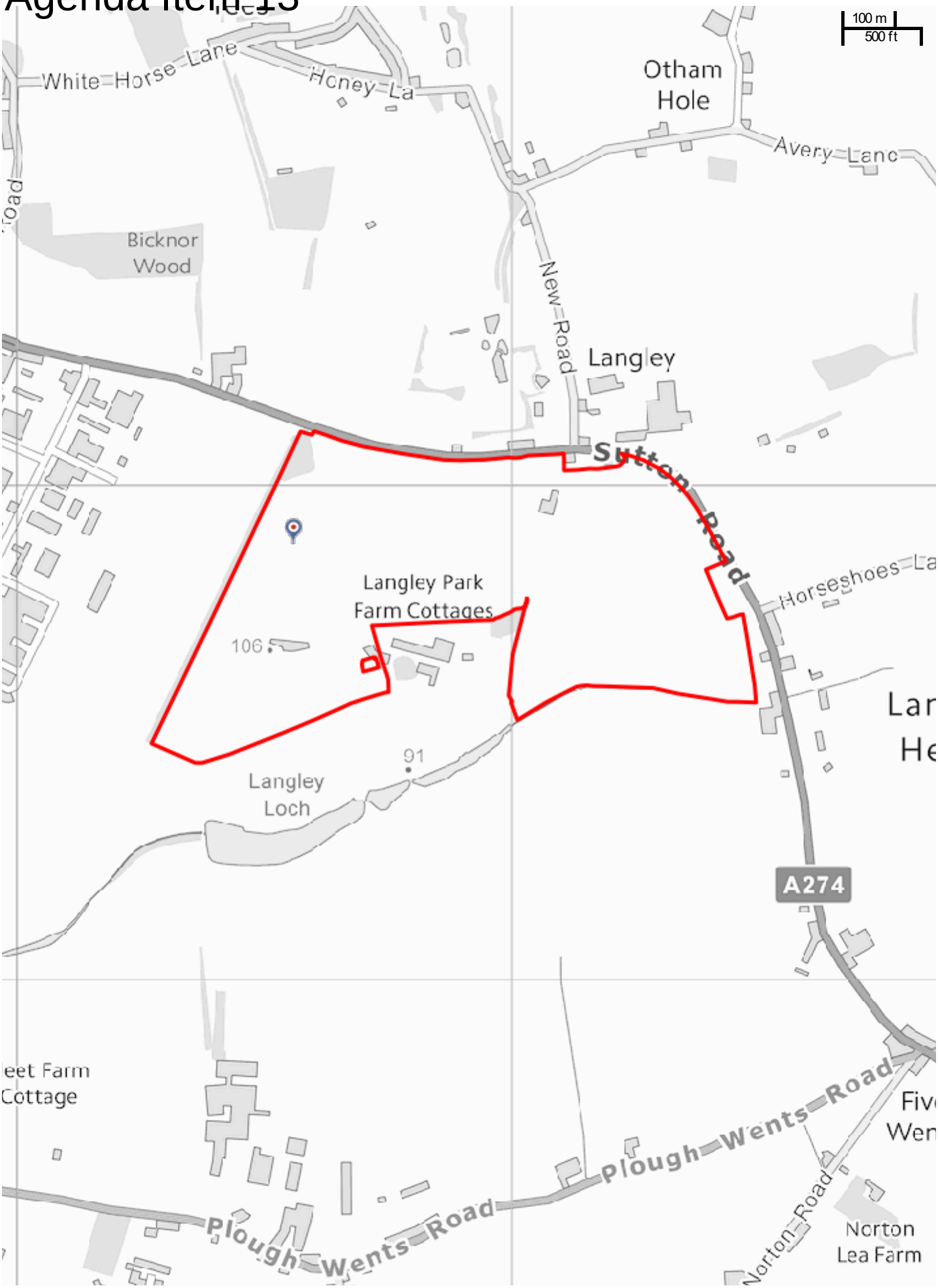
MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
7 SEPTEMBER 2017

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.

APPLICATION	DATE DEFERRED
17/502118 - ERECTION OF DWELLING HOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, KENT 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.	27 July 2017
ERECTION OF A THREE STOREY SECONDARY SCHOOL WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING - LAND AT VALLEY PARK SCHOOL, NEW CUT ROAD, MAIDSTONE, KENT Deferred for further discussions to include: An analysis of the catchment area of the School to better define focus/scope of the Travel Plan. An investigation of alternative traffic access options, including use of the existing maintenance access to the southeast corner of the site to eliminate the need for the roundabout and loss of TPO/Veteran/High Grade trees. The scope of the Travel Plan including the financial contribution package to achieve modal shift. Design quality in terms of both landscape and built form, including an improved materials palette (use of a panel system and possibly ragstone plinths). The requirement for a Landscape Master Plan to address the key issues for this historic landscape.	17 August 2017 adjourned to 24 August 2017



15/509015 - Land South of Sutton Road
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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** 1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise 2. such conditions and informatives as the Head of Planning and Development may advise, the Head of Planning and Development be given delegated powers to grant outline permission		
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 **3rd August 2017 (agreed Extension of Time)**	**PUBLICITY EXPIRY DATE** 7th July 2017	**OFFICER SITE VISIT DATE** 23rd 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**	Refused	26-4-1996

	Change of use to 9-hole 3-par golf course.		
94/0010	**Langley Park Driving Range Variation of condition 03 of MA/89/0919 to allow retention of works/improvements to access.**	Permitted	14.02.1994
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.

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).

1.4 The application was recently considered by Committee on 17th August 2017 and was subject to further objections from KCC on Highways grounds, which were addressed in an Urgent Update. That urgent update has been incorporated into this report.

1.5 The application was deferred at Committee on 17th August 2017 to allow further discussions with Kent County Council on highways matters. Such discussions will be covered in an urgent update report.

1.6 The Committee will note that there is duplication between some conditions and S106 Heads in these reports. Because of the complicated nature of this development, full delegated authority is sought to resolve conflicts between conditions and obligations, to identify which is more appropriate in the circumstances, including if needs be, a Unilateral Undertaking, and also to amend, vary and, where appropriate and if necessary, delete and/or add to the draft conditions. Officers are seeking maximum delegated authority in order to find the most appropriate solution to ensure delivery of the developments and mitigation of their impacts.

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 issues a further objection on highways grounds and 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 are 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.

6.4.6 The Local Plan Inspector's report was published on 27th July 2017 and makes the following relevant points. "The Kent Minerals and Waste Local Plan" does not require that proposed allocations must be subject to a prior Minerals Assessment, as is the case for other types of sites, and Policy DM7 (7) specifically exempts allocations in adopted Local Plans from being subject to this requirement. The relevant extract of the Local Plan Inspector's report is included below:
Minerals
"61. In September 2016 KCC published for consultation a draft Supplementary Planning Document entitled 'Minerals and Waste Safeguarding.' MBC has made representations on this document [Document ED 119] and has highlighted that the approach to emerging site allocations has not yet been clarified. It remains unclear what type of minerals assessment is needed for such sites.
62. In these circumstances I conclude that the absence of a policy requirement for a minerals assessment in respect of allocated non-minerals development within the ragstone or Sandgate formation MSA would not result in material inconsistency with national policy since these minerals are not likely to be needed."

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.

6.7 Highways Matters

6.7.1 Prior to Committee on 17th August KCC reiterated highways related objections for which the following response was provided. Highways issues were considered in considerable detail when the Committee resolved to grant consent for 15/509015 and 15/509251on 14th July 2016. Maidstone officers have stated that the proposals will not lead to a severe impact on highways. The County Council have consistently failed to implement necessary highways improvements funded through S106 which were necessary to relieve congestion on A274. This has been clearly acknowledged by the Inspector of the Maidstone local plan EiP (See 6.7.2 below). It is in this context that KCC have been excluded as signature for the relevant S106s. They have, however, been consulted on the contents of the S106s. The proposed highways works represent a comprehensive approach to impact mitigation and are in line with expert specification, such as the A274 Corridor Study, part of the evidence base underpinning consideration of the applications. I consider that the relevant reports presented to this and previous relevant committees provide an accurate summary of the County Council's view.

6.7.2 *"Conclusion on Transport in South East Maidstone*
169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.
170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

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, apart from the per dwelling amount has been corrected with a figure per applicable house and applicable flat. .

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.

7.3.2 The report seeks to accurately reflect the financial contribution due to West Kent CCG and to update the medical practices which the CCG have identified as being impacted on by this proposal. On 14 July 2016, this Committee resolved to grant planning permission subject to a s.106 legal agreement securing, amongst others, a financial contribution of **£978.34 per dwelling** towards one of 5 named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- Northumberland Court
- Downswood Surgery
- Grove Park Surgery.

7.3.3 The figure of £978.34 per dwelling was inaccurate for various reasons including:

- It assumed that 250 units would be delivered. However, as this is an outline permission where the number of dwellings would be settled as part of the reserved matters, it is not possible to 'fix' the contribution;
- the CCG do not apply for contributions for affordable housing units. The figure of £978.34 included affordable housing;
- the CCG's calculation is based on a per person (and not a per dwelling) amount of **£360 per person** with the calculation then based on a predicted occupancy rate (for e.g. a 1 bed unit assumed 1.4 persons x £360 per person = £504 per I bed unit whilst a 4 bed unit assumes 3.5 persons x £360 per person = £5,040 per 4 bed unit).

7.3.4 Furthermore, West Kent CCG have updated their named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- The Medical Centre Group (replacing Northumberland Court)
- The Orchard Surgery, Langley (replacing Downswood Surgery)
- Grove Park Surgery

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 <u>CONCLUSION</u>

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, delete 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);

Planning Committee Report

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
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.

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;
Planning Committee Report
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
Planning Committee Report
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 alterative 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 l 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 (NOx 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 – 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 **3rd August 2017 (agreed Extension of Time)**	**PUBLICITY EXPIRY DATE** 7th July 2017	**OFFICER SITE VISIT DATE** 23rd 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 are 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 <u>CONCLUSION</u>

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);

Planning Committee Report

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
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.

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;
Planning Committee Report
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
Planning Committee Report
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 alterative 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 l 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 (NOx 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 • Departure from the Development Plan • Objection from Parish Council			
WARD Sutton Vallance and Langely; 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** 23rd November 2015	

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
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**	**26.04.1996**
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 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 t 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 Englands' positive comments. It is therefore is 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 complaint 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 **<u>or off-site</u>** 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 alterative 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 l 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 otherwised agree 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

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	**£1,000 Per dwelling**
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.	**£5,625 per dwelling (assuming 1 Form Entry School required).**
Community Facilities - £600,000 towards on or off-site community facilities, proposed as part of the development.	**£750 per dwelling**
Provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes	
Provision of a minimum 19.77 hectares of public open space as shown on drawing number RD1557_PP_104 Rev. M	
Secondary education: £1,887,840. towards the expansion of the Cornwallis School	**£2359.80 per dwelling**
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);	**£30.70 per dwelling**
Youth Services £6,792 (Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby	**£8.49 per dwelling**
Library bookstock £38,416 (Towards additional bookstock required to mitigate the impact of the new borrowers from this development)	**£48.02 per dwelling**

Social Care £43,104 (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.	**£53.88 per dwelling**
Provision of a travel plan, public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan	
Landscape and Ecological Management Plan, to include: a) Description and evaluation of features to be managed. b) Aims and objectives of management. c) Management prescriptions for achieving aims and objectives. d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). e) Details of the body or organisation responsible for implementation of the plan. f) Details of on-going species and habitat monitoring; and g) 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.	
TOTAL (excluding highways)	
	£9,875.89per dwelling

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).**

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:

<u>Condition 3 (Landscaping) (amended)</u>

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.

<u>Condition 13 (Arboricultural Implications Assessment) (amended)</u>

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:

   <u>Condition 8 (Landscape and Ecological Management Plan) (amended)</u>

   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.

Advise 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 contribution 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

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%

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:

Site		AM	PM	Total
H1(10) Land South of Sutton Road	Arr	21	63	
	Dep	61	38	
	Total	82	101	183
Maidstone East and Sorting Office	Arr	28	36	
	Dep	22	38	
	Total	50	74	123
Lenham (broad location)	Arr	15	35	
	Dep	34	22	
	Total	50	57	107
H1 (8) West of Church Road	Arr	11	26	
	Dep	26	17	
	Total	37	43	80
H1(7) Land North of Bicknor Wood	Arr	5	24	
	Dep	32	13	
	Total	37	36	74
Maidstone School of Science and Technology	Arr	47	0	
	Dep	25	0	
	Total	72	0	72
Mote Road	Arr	28	2	
	Dep	4	24	
	Total	32	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)

- 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.

15/509251 - Land North of Bicknor Wood
Scale: 1:5000
Printed on: 21/6/2016 at 15:57 PM

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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 – Grant Planning Permission Subject to 1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise 2. such conditions and informatives as the Head of Planning and Development may advise, the Head of Planning and Development be given delegated powers to grant outline permission (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/ENVSCR	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. The proposal itself remained

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).

1.4 The application was recently considered by Committee on 17th August 2017 and was subject to further objections from KCC on Highways grounds, which were addressed in an Urgent Update. That urgent update has been incorporated into this report.

1.5 The application was deferred at Committee on 17th August 2017 to allow further discussions with Kent County Council on highways matters. Such discussions will be covered in an urgent update report.

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

3.01 **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.

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 issued a further iteration of earlier objections on highways grounds and 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 are 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.

5.04.5 The Local Plan Inspector's report was published on 27th July 2017 and makes the following relevant points. "The Kent Minerals and Waste Local Plan" does not require that proposed allocations must be subject to a prior Minerals Assessment, as is the case for other types of sites, and Policy DM7 (7) specifically exempts allocations in adopted Local Plans from being subject to this requirement. The relevant extract of the Local Plan Inspector's report is included below:
Minerals
"61. In September 2016 KCC published for consultation a draft Supplementary Planning Document entitled 'Minerals and Waste Safeguarding.' MBC has made representations on this document [Document ED 119] and has highlighted that the approach to emerging site allocations has not yet been clarified. It remains unclear what type of minerals assessment is needed for such sites.
62. In these circumstances I conclude that the absence of a policy requirement for a minerals assessment in respect of allocated non-minerals development within the ragstone or Sandgate formation MSA would not result in material inconsistency with national policy since these minerals are not likely to be needed."

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 Delivery of this housing is an 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).

5.07 **Highways Matters**

5.07.1 Prior to Committee on 17th August KCC reiterated highways related objections for which the following response was provided. Highways issues were considered in considerable detail when the Committee resolved to grant consent for 15/509015 and 15/509251on 14th July 2016. Maidstone officers have stated that the proposals will not lead to a severe impact on highways. The County Council have consistently failed to implement necessary highways improvements funded through S106 which were necessary to relieve congestion on A274. This has been clearly acknowledged by the Inspector of the Maidstone local plan EiP (See 6.7.2 below). It is in this context that KCC have been excluded as signature for the relevant S106s. They have, however, been consulted on the contents of the S106s. The proposed highways works represent a comprehensive approach to impact mitigation and are in line with expert specification, such as the A274 Corridor Study, part of the evidence base

underpinning consideration of the applications. I consider that the relevant reports presented to this and previous relevant committees provide an accurate summary of the County Council's view.

5.07.2 *"Conclusion on Transport in South East Maidstone*
169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.
170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

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.

7.3.1 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.

7.3.2 The report seeks to accurately reflect the financial contribution due to West Kent CCG and to update the medical practices which the CCG have identified as being impacted on by this proposal. On 14 July 2016, this Committee resolved to grant planning permission subject to a s.106 legal agreement securing, amongst others, a financial contribution of **£978.34 per dwelling** towards one of 5 named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- Northumberland Court
- Downswood Surgery
- Grove Park Surgery.

7.3.3 The figure of £978.34 per dwelling was inaccurate for various reasons including:

- It assumed that 250 units would be delivered. However, as this is an outline permission where the number of dwellings would be settled as part of the reserved matters, it is not possible to 'fix' the contribution;
- the CCG do not apply for contributions for affordable housing units. The figure of £978.34 included affordable housing;
- the CCG's calculation is based on a per person (and not a per dwelling) amount of **£360 per person** with the calculation then based on a predicted occupancy rate (for e.g. a 1 bed unit assumed 1.4 persons x £360 per person = £504 per I bed unit whilst a 4 bed unit assumes 3.5 persons x £360 per person = £5,040 per 4 bed unit).

7.3.4 Furthermore, West Kent CCG have updated their named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- The Medical Centre Group (replacing Northumberland Court)
- The Orchard Surgery, Langley (replacing Downswood Surgery)
- Grove Park Surgery

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; a contribution of £31,680 for the upgrading of PROWs KM87, KM88 and KM94 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, delete 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, sighte 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, managment 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 Arboricultutal 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.

ARCHAELOGY
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
Planning Committee Report
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;
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.

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 (NOx 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 **Appendix A**

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/ENVSCR	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 are 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, sighte 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.
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, managment 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 Arboricultutal 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.

ARCHAELOGY
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 Planning Committee Report
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;
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.

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 (NOx 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:

- Departure from the Development Plan
- Objection from Statutory Consultee
- Referral from two Parish Councils.

WARD:	**PARISH/TOWN COUNCIL:**	**APPLICANT:** Bellway Homes
Downswood & Otham	Otham	**AGENT:** DHA Planning
DECISION DUE DATE:	**PUBLICITY EXPIRY DATE:**	**OFFICER SITE VISIT DATE:**
17/06/2016	10/06/2016	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 Sectary 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 heath 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 sign-posted 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 Iceni and have considered KCC's response in detail. Furthermore, MM have liaised with Iceni 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 Iceni'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 objection**s**:

- 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 complaint 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, sighte 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, managment 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 Arboricultutal 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.

ARCHAELOGY
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

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	**£978.34 Per dwelling**
Primary Education - **Langley Park Primary School construction: £964,000;** - **Langley Park Primary School site acquisition: £651,092;**	**£6,460 per dwelling**
Open Space Mitigation £68,000 towards existing offsite facilities at Senacre Recreation ground	**£272 per dwelling**
Provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 2 Wheelchair Accessible Homes	
Provision of a minimum 5.8 hectares of public open space	
Secondary education: £568,711towards the third phase of the expansion of the Cornwallis School	**£2274.84 per dwelling**
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);	**£30.70 per dwelling**

Youth Services £2,121 **(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby**	**£8.49 per dwelling**
Library bookstock £12,003 **(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)**	**£48.02 per dwelling**
Social Care £13,470 **(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.**	**£53.88 per dwelling**
Landscape and Ecological Management Plan, to include: **a) Description and evaluation of features to be managed.** **b) Aims and objectives of management.** **c) Management prescriptions for achieving aims and objectives.** **d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).** **e) Details of the body or organisation responsible for implementation of the plan.** **f) Details of on-going species and habitat monitoring; and** **g) 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.**	
TOTAL (excluding highways)	**£10,126.27per dwelling**

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:

<u>Condition 3 (Landscaping) (amended)</u>

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.

<u>Condition 13 (Arboricultural Implications Assessment) (amended)</u>

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:

   <u>Condition 8 (Landscape and Ecological Management Plan) (amended)</u>

   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.

Advise 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 contribution 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

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%

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:

Site		AM	PM	Total
H1(10) Land South of Sutton Road	Arr	21	63	
	Dep	61	38	
	Total	82	101	183
Maidstone East and Sorting Office	Arr	28	36	
	Dep	22	38	
	Total	50	74	123
Lenham (broad location)	Arr	15	35	
	Dep	34	22	
	Total	50	57	107
H1 (8) West of Church Road	Arr	11	26	
	Dep	26	17	
	Total	37	43	80
H1(7) Land North of Bicknor Wood	Arr	5	24	
	Dep	32	13	
	Total	37	36	74
Maidstone School of Science and Technology	Arr	47	0	
	Dep	25	0	
	Total	72	0	72
Mote Road	Arr	28	2	
	Dep	4	24	
	Total	32	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)

- 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.

16/506349 - Bearsted Football Club
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Planning Committee Report
7 September 2017

REPORT SUMMARY

REFERENCE NO: 16/506349/FULL		
APPLICATION PROPOSAL: Variation of condition application in relation to installation of 6no. floodlighting columns ref. MA/09/1616 (allowed on appeal) with amendment to condition 3) The floodlighting shall not be used between 1st May and 31st August in any calendar year; and condition 4) The floodlighting shall not be used outside the hours of 15:00-22:30 on Tuesdays, Wednesdays and Thursdays, 15:00-21:30 on Saturdays and not at all on any other day of the week.		
ADDRESS: Bearsted Football Club Honey Lane Otham Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION for the development to proceed with following amended conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations.		
REASON FOR REFERRAL TO COMMITTEE: At the request of Councillor Gordon Newton		
WARD Downswood And Otham	**PARISH/TOWN COUNCIL** Otham	**APPLICANT** Trustees Of Bearsted Football Club **AGENT** Watson Day Chartered Surveyors
DECISION DUE DATE 28/09/16	**PUBLICITY EXPIRY DATE** 02/09/16	**OFFICER SITE VISIT DATE**

RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):

There is a lengthy planning history here concerned with the development of the playing fields and associated development. The most relevant history for this application is as follows:

App No:	Proposal:	Decision:	Date:
16/508636/FULL	Installation and siting of covered standing spectator accommodation	Granted	pending
15/508999/FULL	Retention of concrete hardstanding surrounding main pitch, concrete hardstanding adjacent to changing rooms and provision of turnstile within palisade security fencing	Granted	27.04.2016
09/1616	Planning permission for installation of 6no. floodlighting columns	Refused but allowed on appeal	15.03.2011
09/1615	Planning application for installation of 2no. portable covered seating stands (57 seats each) and associated works including laying of paved area	Refused but allowed on appeal	15.03.2011

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located off the south side of Honey lane. This is land in the countryside beyond the defined limits of any recognised settlement. An access track (which shares the line of a public footpath) leads south from Honey Lane with the football pitches to the east. The track serves these pitches and the car park and changing facilities/clubhouse located amidst the protected woodland of Belts Wood to the south of the pitches.

1.02 A line of floodlighting pylons serves a training area to the north west of the changing rooms, with the main pitch to the north and north east of the building lit by six floodlighting columns. There are small spectator stands on the southern edge of the main pitch. There is a line of residential properties to the north of the overall playing fields area, fronting Honey Lane and White Horse Lane.

1.03 The existing use is long established, but with some restrictions on the intensity of its use. On Sundays the two pitches nearest to housing in Honey Lane may only be used between 10.00 and 14.00 hours. There is a clubhouse providing changing, hospitality and welfare facilities. Its use is limited by condition to the hours between 08.00 and 21.30. There is a training area which is floodlit. There is no restriction on the use of the training area but its floodlights may only be used on Tuesdays, Wednesdays and Thursdays between 16.30 and 21.30.

1.04 As to the main pitch, the floodlighting there is the subject of this current application and was allowed on appeal under ref. MA/09/1616 (Inspector's decision letter is included here as an Appendix). The Inspector imposed the following conditions:

"3) The floodlighting hereby approved shall not be used between 1st May and 30 September (inclusive) in any calendar year". and

"4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 21.30 on Tuesdays, Wednesdays, Thursdays and Saturdays and not at all on and other day of the week".

2.0 PROPOSAL

2.01 This application proposes that the above conditions be amended to allow an extension to the times of use of the floodlighting around the main pitch to the following:

Condition 3"The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year". and

Condition 4 "The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week".

2.02 The current condition 3 states that the use of the floodlighting is not permitted in the months of May, June, July, August and September and the current amendment requests that this restriction is amended to allow use of the floodlighting in September.

2.03 The current condition 4 restricts the use of the floodlighting so they can only be used between the hours of 3pm and 9.30pm on Tuesdays, Wednesdays, Thursdays and the condition requests greater use of the floodlighting to allow an extra hour of use on

Tuesdays, Wednesdays, Thursdays with use until 10.30pm to account for mid-week fixtures.

2.04 In support of the proposal the applicant states that, since the appeal decision, the club has risen to Step 5 in the FA Pyramid: such progression brings with it a requirement to play league fixtures midweek with a 19.45 kick-off. In addition to which there are likely to be midweek FA and other cup competition matches, and rescheduled league games. Matches commencing at 19.45 would not finish until at least 21.30 and there may be a need for extra time in addition to that. On that basis the club cannot fulfil its league/cup obligations with the current restrictions in place.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV49
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016, SP17, DM1, DM3, DM7, DM22, 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 & consistency with the NPPF.

3.02 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.

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 <u>LOCAL REPRESENTATIONS</u>

4.01 The planning application has been advertised with individual letters sent to adjoining properties, and a site notice.

4.02 One local resident states that a 22.30 end-time is too late and would cause disturbing light pollution to local residents.

4.03 Otham Parish Council states: *"I will be grateful if you would bear in mind the objections from Otham Parish Council when deciding the above application. The proposed extension to the hours and dates of floodlight use will cause disturbance to the residents who live in the immediate vicinity of the club ground. The argument presented by Bearsted Football Club that there is a change from a village/semi-rural setting to an urban setting is not legitimate.*

4.04 The lighting at the football ground and extended playing time will still impact on the current residents regardless of other levels of lighting in the vicinity. Furthermore the extended playing time and lighting will impact on residents of the new houses as well. The residents of an urban area have as much right to low levels of light and noise pollution and disturbance as those living in a village setting".

4.05 Councillor Gordon Newton states: "*I would suggest that the time of the start of the game referred to in the application is moved from 19.45 to 18.30hrs. On that basis the use of the lights will fall within the time allocated for floodlighting and there would be no need for a variation. This would also assist in reducing late night noise for local residents. If you are minded to approve this application, I would like it called in for Determination by the Planning Committee".*

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 and Transportation:** No objection

5.02 **KCC Public Rights of Way Officer:** No objection

5.03 **KCC Archaeological Officer:** No objection.

5.04 **MBC Environmental Health:** The lighting scheme appears well designed, and to comply with relevant guidance from the Institution of Lighting Professionals. On balance the potential for nuisance from increasing use of the floodlighting by one hour per day, and by one month in the year, is minimal.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Potential impact of the extended floodlighting use on the character of the area;
- Potential impact of the extended floodlighting use on residential amenity;
- Potential impact of the extended floodlighting use on ecology.

Background

6.02 In defending the decisions to refuse permission for the earlier applications for floodlighting (MA/09/1616) and the two spectator stands (MA/09/1615) the council made the argument to the appeal Inspector that the facilities would be likely to lead to a general increase in the intensity of use of this site. This pressure would be greater if the club were successful and as a result required improved facilities that would change character from essentially from a playing field to a small 'non-league' football stadium and the associated further development.

6.03 The Inspector did not share the Council's concerns and granted planning permission. Since the appeal decision, planning permission has been sought and granted for a further spectator stand (16/508636/FULL). The current application to vary floodlighting times is a consequence of the club success and a rise up the FA's 'pyramid' league structure. The Inspector's attitude to the previous proposals has, in many ways, lead to pressure for further development which, unless significant harm can be identified, may be difficult to resist.

Impact of the extended floodlighting use on the character of the area

6.04 On the countryside character issue, there is no additional built development here and, in my judgement, the lighting of the pitch for occasional midweek matches for an additional month; and an additional hour on the occasions of those matches is unlikely to have any significant impact on the character of the countryside.

6.05 It must also be borne in mind that the wider area is experiencing significant housing growth and that has inevitably had a somewhat urbanising impact on the area to the west of the application site.

Impact of the extended floodlighting use on residential amenity.

6.06 With regard to the residential amenity issue, the floodlit pitch is approx. 100 to 150 metres away from the housing on Honey Lane. I do not consider that the extended times represent a significant threat, in terms of light intrusion, to their amenities above and beyond the lightpool that already exists.

6.07 The proposed change to the floodlighting times would facilitate an extension the general use of the main pitch facility later into the night. This is considered acceptable as the main pitch is well away from housing. Whilst I appreciate there would be vehicle movements down the access track, I am not convinced that the proposed changes would lead to a significant loss of amenity.

6.08 The proposal has been considered by the council's Environmental Health Officer who have commented who has noted that the floodlighting appears to comply with the relevant guidance from the Institution of Lighting Professionals. The Environmental Health Officer has raised no objection to the proposal.

Potential impact of the extended floodlighting use on ecology.

6.09 The ecology report submitted with the original application for the floodlighting raised the potential for a bat roost in the trees to the south of the lit area. That report recommended that the proposed lighting should not be switched on between 1st May and 30th September: as the key bat activity period.

6.10 This proposal would mean that the lighting would operate in September but only for very limited periods. Environmental concerns need to be balanced with the benefits of promoting sport and leisure and I am satisfied that the time extensions proposed here would not have a significant adverse impact on the ecology of the area.

7.0 CONCLUSION

7.01 In conclusion, the change from a playing field to a small 'non-league' football stadium was permitted by the appeal decisions on the spectator stands and erection of floodlighting columns. The impact from the facility as it now operates was considered acceptable by the appeal Inspector.

7.02 In relation to the current application I am satisfied that the extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations. I recommend approval.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION for the development to proceed with following amended conditions.

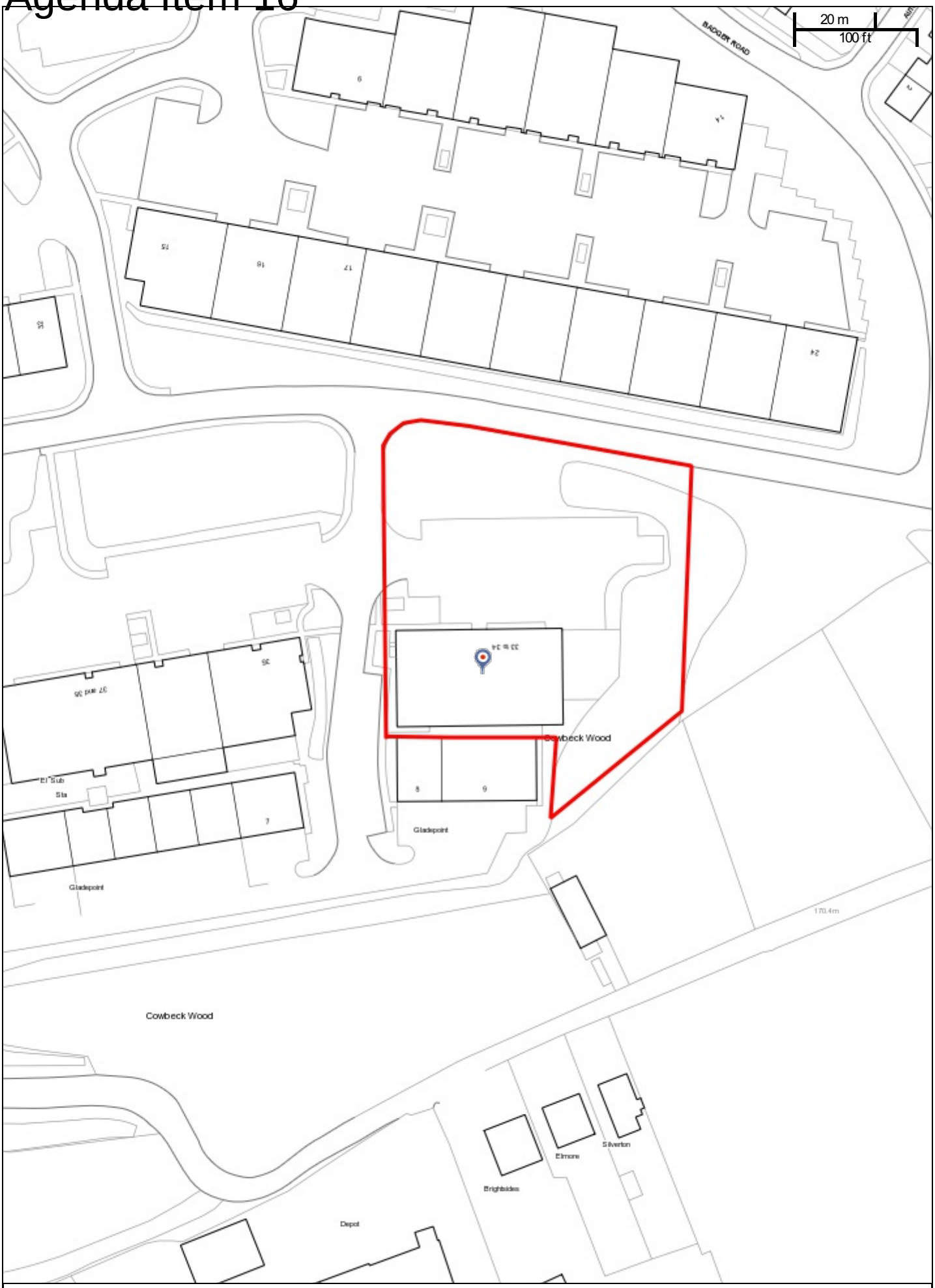
(1) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/02, DHA/7126/10, DHA/7126/11, DHA/7126/12 and the specifications set out by Highlights Floodlighting Ltd dated 17 October 2008. Reason: In the interests of proper planning.

(2) The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year; Reason: In order to protect the character of the countryside.

(3) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week; Reason: In order to protect the character of the countryside.

Case Officer: Geoff Brown

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



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REPORT SUMMARY

REFERENCE NO - 17/500117/FULL		
APPLICATION PROPOSAL - Extension to the existing factory		
ADDRESS - Unit 33 Adjacent Lordswood Industrial Estate, Gleamingwood Drive, Lordswood, ME5 8RZ		
RECOMMENDATION – Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION - The development is in accordance with the Development Plan and would not have an adverse impact on the character, amenity and functioning of the surrounding area. The loss of an area of trees that constitutes ancient woodland could be mitigated and the benefits to the local economy are considered to outweigh such a loss.		
REASON FOR REFERRAL TO COMMITTEE – The recommendation is contrary to the views of Boxley Parish Council and committee consideration has been requested.		
WARD **Boxley**	**PARISH/TOWN COUNCIL** **Boxley**	**APPLICANT Brown Europe Limited** **AGENT - CGPM**
DECISION DUE DATE **25/04/17**	**PUBLICITY EXPIRY DATE** **01/08/17**	**OFFICER SITE VISIT DATE** **28/3/17**
RELEVANT PLANNING HISTORY **MA/03/1534 – Extension to industrial unit, and extension of parking area - Permitted**		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site forms part of the Lordswood Industrial Estate (which is located at the southern edge of the Medway Towns urban area) and is approx. 200m north of the M2 motorway. The site is accessed via an existing estate entrance road off the south side of Gleaming Wood Drive, which in turn leads to Lordswood Lane and the large roundabout to the south west of the estate. To the north, the estate is bounded by Gleaming Wood Drive, with a woodland strip and business premises situated on the opposing side of the road. The application site is bounded by a strip of ancient woodland to the east and denser woodland to the south, with business premises situated directly to the west.

1.02 Brown Europe Limited is one of the leading suppliers of transmission products with their headquarters at the Lordswood site. The primary business is a high value, light mechanical engineering operation purchasing, modifying and distributing motors, gearboxes and linkage for use in the manufacturing of larger, more complex machines. The business requires large premises to hold a large volume of stock to respond rapidly to customer orders. Their buildings are located at the eastern end of the estate. The proposed development area is located immediately to the east of the existing buildings and involves a fenced yard with parking and loading areas to the front and some treed grassland to the east side of that. Those trees are part of a larger area covered by woodland TPO 41/2002 and are classified as ancient woodland. The land hereabouts is not liable to flood.

2.0 PROPOSAL

2.01 Brown Europe Ltd currently use the site for their factory, with offices and warehousing. The enterprise currently employs 45 full time and 10 part time staff. It is anticipated that the extension would give rise, in time, to the creation of 40 to 60 new jobs.

2.02 The application proposes the erection of a large new extension, essentially as another 'bay' to the existing buildings, with a footprint of 43m by 25m and a ridge height of 7.6m. This large extension would project out to the side and front of the existing creating an 'L-shaped' footprint. The front part of that would be a two storey block to provide offices ancillary to the use of the factory. The rear part of the new development would be an extension eastwards of the existing factory floorspace. The height, design and materials of the extension broadly replicate that of the existing 'two bay' factory. Solar panels would be fitted to both roofslopes.

2.03 Landscaping and ecological mitigation/enhancement works are proposed and they are discussed below.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000 Policies: ENV6, ED2

Maidstone Borough Local Plan (Regulation 19) Submission Version 2016 Policies: DM1, DM2, DM3, DM20, DM21, DM24, DM25

4.0 LOCAL REPRESENTATIONS

4.01 Boxley Parish Council states:

"Members strongly objected to the planning application and wish to see it refused and reported to the MBC Planning Committee.

Reasons for refusal.

Highway issues.

At a recent Planning Appeal concerning Gibraltar Farm (in Medway just north-east of the Maidstone boundary) it was identified that the Gleamingwood Drive/Lordswood Lane junction had reached capacity.
Extract from Create Consulting Engineers Ltd, Land at Gibraltar Farm, Ham Lane, Hempstead, Transport Assessment
Lordswood Lane/ Gleaming Wood Drive Priority Junction
5.23 The Lords Wood/Gleaming Wood Drive junction has been assessed with PICARDY,
5.24 The results described in table 5.6 indicate that the junction is presently operating towards the limits of its capacity for the right turn movement from Lords Wood into Gleaming Wood Drive.

The Gibraltar Farm application, for 500 properties plus community infrastructure will, if allowed, add significantly to the traffic flows along Gleamingwood Drive to access Maidstone and the M2/M20. The Planning Inspectors decision is expected next month (March 2017). This would be in addition to the extra traffic generated by the Lordswood Urban Extension development of 84 properties plus bio-mass unit already approved (Maidstone planning application 13/1797). All these additional traffic movements along Gleamingwood Drive will further add to the problems of traffic congestion and pedestrian/cyclist safety at this dangerous and overloaded junction. Further west the complex junctions of the M2 with the A229/A2045 have exceeded their capacity and are unable to cope with any additional traffic generated by development in the Walderslade/Lordswood area, as confirmed in an e-mail of 20/1/17 from Toby Butler, Traffic & Network Solutions Asset Manager, Highways, Transportation & Waste. Kent County Council: These junctions [M2 and A229] have greatly exceeded their design capacity and handle volumes of traffic for which they, and the surrounding road network, were never intended. There are no suitable options for improving traffic flows through the adjustment of signal timings; physical works on the highway network are required. Some options are being considered but these have significant cost implications and take time to develop and implement. Furthermore local rural roads are unsuitable for lorries and HGVs and inappropriate use by large vehicles is already causing safety issues for other drivers, cyclists and pedestrians.

Impact on the Ancient Woodland.
40% of the trees on the site will be lost and with no plans yet submitted outlining the proposed replanting the impact on the screening properties of the current bank of trees is uncertain. What is clear is that the area designated for the replanting is smaller than the area being developed and the limited space that would be available to replant suggests an unacceptably insufficient screening of the site. The land taken for the proposed developed is Ancient Woodland - a finite resource that will be lost under hardstanding.

On-site car parking.
The planning application identifies an increase in car parking spaces by +12 for up to 40-60 additional staff. Whilst the parish council welcomes any increase in employment opportunities this amount of on-site car parking (34 in all) is totally inadequate. The extra car parking is at the detriment of the current lorry turning area which will be axed. Whilst the supporting document and plans state that there will be improved turning this appears to only relate to cars and not lorries or HGVs.

Impact on protected species e.g. dormice and bats.

The loss of more land, especially Ancient Woodland, for foraging wildlife is unacceptable. The improvements to the site with the erection of bird and bat boxes and the introduction of a woodland management plan are welcomed but these should have been part of the existing estates management plan rather than as a sweetener to obtain development permission. In an Ancient Woodland, especially one that is in danger of becoming fragmented by development, any reduction in the size of the existing woodland compartments is unacceptable. If the development is permitted then the proposed tree replanting should be substantial trees and not whips so as to ensure that the food resources for the protected species are not diminished whilst waiting for small trees to mature.

Section 106 contribution.
No mention is made of Section 106 funding to improve the local infrastructure yet there is an urgent need for improvements at the hazardous Lordswood Lane/Gleamingwood Drive junction. The parish council would like to apply for a Section 106 contribution towards highway improvements at the Gleamingwood Drive/Lordswood Lane junction.

Pre-application consultation
I should record that the Environment Committee was saddened that the developer chose not to speak to the parish council prior to submitting the application. While not mandatory such exchanges are, in our experience, invariably helpful to both parties and are to be encouraged."

4.02 Local Residents: No representations received from local residents.

5.0 <u>CONSULTATIONS</u>

5.01 Environment Agency: No objection

5.02 KCC Highways and Transportation: No objection subject to conditions

5.03 KCC Drainage: No objection subject to conditions

5.04 KCC Biodiversity Officer: Comments that no further protected species surveys are required but expresses concern that the loss of ancient woodland is not, in itself, the subject of a specific report. If permission is to be granted, the Council must be satisfied that the loss of ancient woodland is outweighed by other planning benefits. The dormouse mitigation strategy is proposing to manage and enhance the area of retained woodland: currently the area is not managed and proper management is likely to be beneficial in the long term. If permission is to be granted then a woodland and mitigation management plan should be the subject of condition.

5.05 Southern Gas Networks: No objection

5.06 UK Power Networks: No objection

5.07 Forestry Commission: Neither supports nor objects to the application but points out that the proposals involve the loss of some trees that constitute ancient woodland.

5.08 Southern Water: No objection

5.09 MBC Environmental Health: No objection subject to conditions.

5.10 MBC Landscape Officer: Comments reported in full below.

6.0 APPRAISAL

Main Issues

6.01 In my judgement the key issues for consideration are:

- The Principle of Development
- Impact on the Local Highway Network
- Loss of Protected Trees;
- Impact on Protected Species

The Principle of Development

6.02 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.

6.03 It is a fundamental factor in this case that the existing Local Plan and the soon-to-be adopted emerging Local Plan allocate this estate (including the area of land that would accommodate the new extension) as an existing area of economic activity and an economic development area respectively. Both plans make provision for the need for businesses to be able to adapt and grow and clearly designated estates must be a preferred option for this: the opening section of emerging Policy DM20 states:

"The council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. This will be achieved through the allocation of specific sites and through:
i. The retention, intensification, regeneration of the existing industrial and business estates identified as Economic Development Areas as defined on the policies map;"

whilst the accompanying text to emerging Policy DM21 states:

"17.103 In addition to new allocations of employment land, it is important that a stock of existing employment sites is maintained. A range of well located commercial premises and sites need to be secured so that they can continue to be available to meet the needs of existing and modernising businesses. Policy DM21 identifies Economic Development Areas across the borough designated specifically for B class uses, which include sites with planning permission as well as established, existing employment locations."

6.04 Against this background there can be no objection to the principle of existing businesses extending their facilities on a site such as this.

Highway Impacts

6.05 KCC Highways and Transportation have twice commented on the application and raise no objection. It is noted that the Parish Council have objected to the proposal, partly

on the basis that another application for c. 500 dwellings was deemed to have a detrimental impact on the strategic highway network. However, KCC have raised no objections to the impact of the proposal on the strategic highway network; furthermore, the scale of the development proposed is unlikely to have a significant highways impact. In terms of the detail of the scheme, clarification was required to explain how the site would be serviced (including parking provision) and those details are deemed acceptable. The existing parking and turning area would be reconfigured to allow for 34 vehicle parking spaces, whilst catering for the loading/unloading and manoeuvring of vehicles and that is considered adequate. It is therefore considered that a refusal based upon highway concerns could not be substantiated in this instance.

Visual Impact and Landscaping

6.06 The application site forms part of an industrial estate of utilitarian character where, in my judgement, a building of this scale and design would not be out of place. This is not an area afforded protection in terms of its landscape character and, in addition to that, the site benefits from the significant screening effect of the belts of trees that surround the estate. Against this background, I am satisfied that there would not be a significant adverse impact on visual amenity.

6.07 The loss of trees that form part of an area of ancient woodland is clearly a significant issue. Trees to the east and the north east of the existing yard (and therefore on the western margins of this patch of woodland) would need to be removed to make way for the new building. New planting is indicated off the north east corner of the new building and to its south and south east to compensate for that, to supplement the tree screening that would remain and to provide enhanced habitat. I enclose the full comments of the Landscape Officer here:

“The proposed footprint of the new extension/industrial unit will come within a proportion of the existing front car parking area, a hard surfaced service yard (to the east of the existing building) and a small area of woodland that surrounds the current building.

The area of woodland affected by this proposal is subject to Tree Preservation Order No 41 of 2002 designated as Woodland (W1). The wood is also designated as ancient replanted woodland (PAWS), suggesting it has been continuously wooded since 1600. The wood consists predominantly of mixed species of mainly Hornbeam, Silver Birch, Sweet Chestnut, Ash, Larch, English Oak, Common Ash with a shrub layer of Hazel, Holly, Elder and Raspberry. The ground layer is predominately bare with occasional Ivy and Bramble. There is some past historical evidence of coppicing on number of Hazel and Hornbeam but other than that the wood has been largely unmanaged for a number of years.

Based on the submitted tree survey 32 individual and three groups of trees will need to be removed in order to facilitate the proposed development. The majority of these trees are maturing Silver Birch and Hornbeam. Many of the Birch have historic stem damage and are showing signs of decline with a number succumbing to wind throw. As a result of their condition, as individuals most have been graded ‘C’ (trees of low quality) under BS5837.

Whist as individuals, the trees may be of low quality under the BS, as part of the larger woodland they provide a valuable ecological habitat. Their loss, would to some extent, reduce the screening effect they currently provide along the eastern boundary although I

acknowledge that replacement planting (as indicated on the arb impact plan) is proposed within a current open area within the wood closest to the eastern boundary.

Under current planning policy and national guidance, I am unable to support this application from an arboricultural perspective as it would clearly erode the surrounding ancient woodland and be contrary to the standing advise given by the Forestry Commission and Natural England which states that planning permission should be refused unless the need for and benefit of the development clearly outweighs any loss.

With this in mind, should it be proven that the need for and benefit of the development outweighs the loss of the tree (as indicated on within the tree report) and you are mindful to approve the application, I would want to see the following conditions attached to any consent.

1. Submission of a fully detailed tree protection plan (TPP) and arb method statement (AMS) both in accordance with British Standards BS5837:2012.
2. Fully detailed landscaping plan/mitigation scheme that should incorporate the key recommendations outlined in the extended phase 1 Ecological Report by agb Environmental (project no. P2284.1, dated 15th October 2014).
3. Submission of a suitable woodland management plan/proposal that will ensure successful establishment of all new planted stock and provide future management that will enhance/improve the woodlands biodiversity."

6.08 The loss of the trees is clearly a negative aspect of this proposal however the trees to be lost are generally of low quality and the area concerned has clearly not been well managed. Replacement planting would be put in place. In the consideration of this application it is important to consider the benefits associated with the application, when weighed against the loss of a small area of the trees. In accordance with the test as outlined in para 118 of the NPPF it is considered that the benefits to the local economy (in terms of allowing an established business to extend on a designated industrial estate) would outweigh the harm that would arise by virtue of the loss of the small area of trees. In order to mitigate the impact of the proposal a number of conditions are considered appropriate should permission be granted.

Protected Species

6.09 The application is accompanied by an Extended Phase 1 Ecology Report; a Bat Survey Report; a Dormouse Survey; and a Dormouse Mitigation Strategy. The survey work recorded foraging/commuting bats, the potential for breeding birds and the presence of dormice.

6.10 The application proposes the removal of trees, scrub, etc. which constitutes bat foraging habitat. With regard to bats, mitigation and enhancement measures are put forward involving a precautionary approach to felling and clearance; the retention and management of retained trees and new planting; control of external lighting; and the installation of bat boxes to enhance the site for bats by increasing roosting opportunities. If these measures are put in place the reports conclude that the impact would be minimal.

6.11 Hazel dormice were recorded on parts of the site which would be impacted by construction works and therefore a European Protected Species Licence would be required before any works could start. Mitigation and enhancement measures are put forward involving the retention and management of retained trees and scrub habitat; enhancement of the remaining woodland area by planting native berry and nut-bearing species to increase foraging opportunities; and the installation of dormouse net boxes. In association with the granting of a licence, if these measures are put in place the reports conclude that it should be possible for development to proceed with no net loss of dormouse habitat and without impacting the local conservation status of dormice. A detailed mitigation strategy document is included essentially elaborating on these main factors, including detailed proposals for the construction phase; habitat creation and enhancement; and post-development safeguarding and monitoring by a licensed ecologist.

6.12 The KCC Biodiversity Officer has examined the proposals and considers that no further surveys are required. The officer points out the NPPF guidance that the development should be refused unless the need for, and benefits of, the development outweigh the loss. The dormouse mitigation strategy is proposing to manage and enhance the area of retained woodland: currently the area is not managed and proper management is likely to be beneficial in the long term. If permission is to be granted then a woodland and mitigation management plan should be the subject of condition.

6.13 Given the conclusions in the various ecology reports I am satisfied that harm to ecological interests can be properly mitigated: conditions can be imposed to secure that. In terms of the loss of ancient woodland it is considered that the benefits to the local economy (ie allowing an established business to extend on a designated industrial estate) would outweigh the harm that would arise by virtue of the loss of the small area of trees.

Other matters

6.14 The applicant did enter into the pre-application advice service but evidently did not involve the Parish Council. There is no need for a legal agreement here as I do not regard there to be any need for funding for highways/infrastructure works.

7.0 CONCLUSION

7.01 In conclusion, it is considered that the principle of development in this location is acceptable, not least as the land is allocated in both existing and emerging Local Plans for economic development purposes. In accordance with the test as outlined in para 118 of the NPPF it is considered that the economic benefits to the local economy would outweigh the harm that would arise by virtue of the loss of the small area of ancient woodland. Additionally, mitigation and enhancement are proposed for the protection and promotion of biodiversity in and around the site, whilst there are considered to be no justifiable objections in terms of highway safety.

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:

Site location plan and block plan received 11/1/17; and drawings BRE-001/C, 003, 010/C, 101/C, 102/C, 103/C, 301/C received 24/1/17;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. Before the development reaches damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) shall be 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.

4. Prior to the commencement of works, a scheme of hard and soft 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 a programme for the approved scheme's implementation and the long term management of the retained woodland shall be submitted to and approved 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 full details of proposed means of surfacing and boundary treatments;

Reason: No such details have been submitted. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

6. Works on site shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning

authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

7. Works on site shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

8. Works on site shall not commence until full details of the proposed ecological mitigation and enhancement works (with particular emphasis on bats and dormice); and the long term management of retained woodland habitat have been submitted to and approved by the local planning authority. The scheme shall fully recognise the presence of ancient woodland and shall include a timetable for implementation. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To protect and enhance the ecology and biodiversity on the site in the future. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re- enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

10. Prior to the development reaching damp proof course level, full details of the proposed lighting and the methods to prevent light spillage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. The details shall have close regard to the requirements of the submitted ecological reports;

Reason: To prevent light pollution and in order to avoid harm to bats and their habitat.

11. Development shall not begin until a detailed sustainable surface water drainage

scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage 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 through infiltration features located within the curtilage of the site;

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

12. 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.

13. Before the development reaches damp proof course level, written details of the proposed solar panels shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of visual amenity.

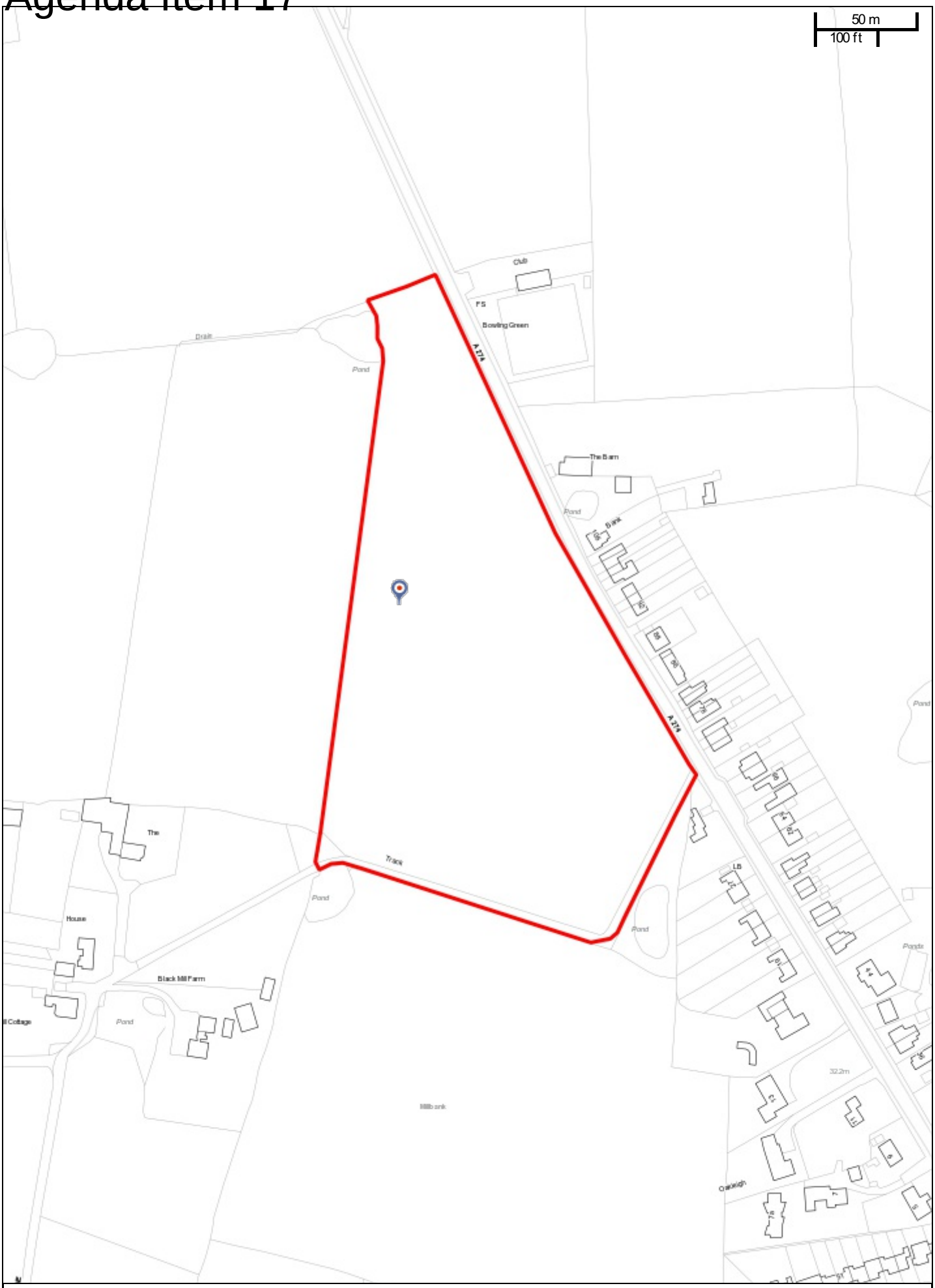
INFORMATIVES

1) The applicant is advised to have regard to the Mid Kent Environmental Code of Development Practice.

2) In drawing up details of the long term management of retained woodland pursuant to conditions 4 and 8 above, the applicant should have regard to the following factors:

a) Map of area to be managed; and a description and evaluation of the woodland
b) Review of species recorded within the woodland
c) Methodology to clear the woodland
d) Details of any constraints which might influence long-term management
e) Aims and objectives of management
f) Details of management proposals to achieve aims and objectives
g) Preparation of a work schedule
h) Measures to prevent unauthorised access to the woodland

Case Officer: Geoff Brown



17/501093 - Land West Of Mill Bank
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Planning Committee Report
7 September 2017

REPORT SUMMARY

REFERENCE NO: 17/501093/REM		
APPLICATION PROPOSAL: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant of 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).		
ADDRESS: Land West Of Mill Bank, Maidstone Road, Headcorn, Kent, TN27 9RJ		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: • Outline approval in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application. • 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 local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of residential accommodation. • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.		
REASON FOR REFERRAL TO COMMITTEE: Headcorn Parish Council has requested that the application is determined by the Planning Committee.		
WARD: Headcorn	**PARISH COUNCIL:** Headcorn	**APPLICANT:** Bovis Homes **AGENT:** N/A
DECISION DUE DATE: 14/06/17	**PUBLICITY EXPIRY DATE:** 14/04/2017	**OFFICER SITE VISIT DATE:** Various

RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):

App No:	Proposal:	Decision:	Date:
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 being sought) committee 25/02/2016	Approved	24/08/2016
17/500190/SUB	Submission of Details to pursuant to Condition 8 - Habitat Management Plan and Condition 9 - Mitigation Strategy subject to 15/507424/OUT	Approved	19/05/2017

MAIN REPORT

1.0 BACKGROUND

1.01 The application was first considered at the committee meeting on the 6 July 2017 as seen on the attached appendix.

1.02 It was resolved by the committee that in the event of permission being granted, a planning condition should be attached specifying the external materials to be used in the proposed development, including the use of white timber weatherboarding instead of composite boarding.

1.03 It was further resolved that consideration of this application be deferred to enable Officers to investigate the relocation of the 2.5 storey building within the site.

2.0 PROPOSAL

2.01 Following the committee resolution a meeting was held on site on the 20 July. The meeting was attended by a representative of the parish council, the developer, two ward councillors and the planning case officer.

2.02 Following the discussion at the meeting revised plans were received from the developer on the 3 August and sent to those that attended the site meeting. Further neighbour consultation letters were sent out on the 7 August.

2.03 The single reason for the deferral of the application from the committee meeting on the 6 July was to investigate the relocation of the 2.5 storey building within the proposed development.

2.04 Following the discussion on site about various options the whole 2 and 2.5 storey building has been moved by 1.7 metres, the roof ridge level lowered (0.3 metres) and the 2 and 2.5 storey building sections swopped over in their location. The higher section of the building was previously at the rear most section of the building and this has now been moved to the front of the building.

3.0 EMERGING LOCAL PLAN

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 & 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

4.01 The changes made to the plans were advertised with individual letters sent to adjoining properties.

4.02 **Local residents**: Two letters have been received as a result of the further consultation in addition to restating previously made objections to the proposal (that were considered as part of the original report) the following additional points are made (summarised):

- The height of the new houses along Millbank will impact upon light to nearby properties (increase in height to 2.5 storeys)
- There is a concern that existing adjacent properties "…will be adversely affected by street lighting/light pollution in what is a rural setting".

6.0 APPRAISAL

Main Issues

6.01 Outline planning permission has previously been approved by the planning committee for a residential development on the application site for 62 dwellings (15/507424/OUT – August 2016).

6.02 The existing outline permission gave approval for the access arrangements to a residential development on this site. The current reserved matters application was considered at the committee meeting on the 6 July. It was resolved that:

a) In the event of permission being granted, a planning condition should be attached specifying the external materials to be used in the proposed development, including the use of white timber weatherboarding instead of composite boarding.

b) It was further resolved that consideration of this application be deferred to enable Officers to investigate the relocation of the 2.5 storey building within the site.

a) Planning condition specifying the external materials.

6.03 Condition 3 attached to the earlier outline approval required the following *"Prior to the commencement of any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units. Reason: To ensure a satisfactory appearance to the development".*

6.04 An additional condition is recommended attached to a reserved matters permission stating *"Notwithstanding materials listed on the submitted plans, the details of external materials submitted to discharge condition 3 of the outline planning permission (15/507424/out) shall include the use of white timber weatherboarding instead of composite boarding".*

b) Investigate the relocation of the 2.5 storey building within the site.

6.05 The majority of the dwellings across the proposed development are 2 storeys in height, with proposed roof ridge heights of between 8.5 metres and 8.7 metres. The development also includes a larger building located in the south east part of the site providing 8 flats.

6.06 This larger building set behind an established and retained hedgerow is partly 2 and partly 2.5 storeys in height (roof ridge height of 11.3 metres). The higher 2.5 storey

section of the building is set back from the southern site boundary by a distance of 16 metres (9 metres from the hedgerow) and 63 metres from the front site boundary in Mill Bank. At the closest point a distance of 40 metres separates this new building from the closest residential property (29 Mill Bank).

6.07 Whilst there have been objections to the 2.5 storey height of this building this was not the reasons for the deferral of the application; the height is in accordance with condition 18 attached to the outline approval for the site and policy HNP1 of the draft neighbourhood plan. Condition 18 states that no buildings shall be "over a height of 2.5 storeys (any third floor to be within the roof space)" with policy HNP1 stating that there should be "…no new development of more than two and a half storeys".

6.08 The reason for the deferral of the application was to investigate the relocation of the 2.5 storey building. Following the discussion on site about various options the whole 2 and 2.5 storey building has been moved by 1.7 metres and the ridge level lowered (0.3 metres) and the 2 and 2.5 storey building sections changed over in their location. The higher section of the building was previously at the rear most section of the building and this has now been moved to the front of the building.

6.09 As a result of the changes the higher 2.5 storey building is now bordered by two storey buildings and this is seen as a benefit as it reduces the scale and visual impact of the proposed building. The height of the 2.5 storey building is acceptable in the context of nearby development that is of comparable height, the screening provided from the site boundary, and the separation distance from the closest residential property and the site frontage.

6.10 Consultation responses have sought to compare the 2.5 storey building to a building completed as part of the development on land to the north of Lenham Road (14/505162). This development was visited during the site visit with residents, councillors and the developer. It is considered that there are important differences between the two developments; these include the distance from the property boundary, the distance from adjacent development, and the existing screening on the property boundaries which are to be enhanced.

Response to additional points made in further neighbour consultation,

6.11 A further consultation response has raised concerns about the height of the proposed development in relation to existing properties opposite the site frontage in Millbank. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties. Built form should not result in an unacceptable loss of light. NPPF core principles include a requirement to seek "*a good standard of amenity for all existing and future occupants of land and buildings"* (para 17).

6.12 Existing residential properties on the east side of Mill Bank would be separated from new houses by a distance of between 23 metres and 30 metres. This distance includes the width of the public highway, the existing hedgerow along the site boundary and existing front gardens. In the south east corner of the site a distance of 28 metres, that includes an established hedgerow within the application site, the unmade access track and trees on the site boundary separate the closest proposed residential building from the detached property at 29 Mill Bank.

6.13 Distances of 110 metres and 140 metres separate buildings on Mill Farm and The Croft respectively from the closest proposed new building. With the separation of proposed buildings from existing neighbouring properties it is not considered that the development will impact on the amenities of existing adjacent occupiers including in relation to daylight and sunlight.

6.14 A concern has been expressed relating to the impact of street lighting as part of the proposed development. The section of Millbank outside the site within the 30 miles per hour maximum speed limit is currently lit with street lights. The extent of proposed development away from the existing Headcorn settlement broadly corresponds with the extent of existing street lighting in Millbank. The northern part of the application site will provide open space.

6.15 Whilst it is accepted that the street lighting and lighting associated with the proposed houses will introduce lighting in this area this lighting is an intrinsic part of a residential development and the principle of a residential development in this location has already been established by the outline planning permission.

7.0 CONCLUSION

7.01 Outline planning approval is in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application.

7.02 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 local residential amenity including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of residential accommodation.

7.03 The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

8.0 <u>RECOMMENDATION</u>

GRANT PLANNING PERMISSION subject to the following conditions:

(1) The development hereby permitted shall be carried out in accordance with the following approved plans:
HCRN 000A; HCRN 001A; HCRN 002 D; HCRN 003#1; HCRN 003#2 B; HCRN 004 B; HCRN 005 B; HCRN 006 B; HCRN 010#1; HCRN 011#1; HCRN 012#1; HCRN 012#2; HCRN 013#1; HCRN 013#2; HCRN 014#1; HCRN 014#2; HCRN 015#1; HCRN 015#2; HCRN 016#1; HCRN 017#1; HCRN 050#1A; HCRN 050#2A; HCRN 050#3A; HCRN 051#1A; HCRN 051#2; HCRN 051#3A; HCRN 060#1A; HCRN 060#2A; HCRN 060#3A; HCRN 060#4A; HCRN 090#1; HCRN 090#2; HCRN 091#1; HCRN 091#2; HCRN 092#1; HCRN 095#1; HCRN 095#2; HCRN 096#1; HCRN 096#2; HCRN 9001A; HCRN 900#2A; HCRN DS A. 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) Prior to the commencement of development details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter. Reason: To secure an energy efficient and sustainable form of development in accordance with the provisions of the NPPF. This information is required prior to commencement as ground works may restrict the range of options that are available.

(3) Prior to the commencement of development schedule for the proposed native woodland mix planting and submission of a plan indicating whether trees are

feathered, standard or advanced nursery stock shall be submitted to and approved in writing by the local planning authority The approved details shall be implemented in accordance with condition 7 attached to the outline approval.

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

(4) Notwithstanding materials listed on the submitted plans, the details of external materials submitted to discharge condition 3 of the outline planning permission (15/507424/OUT) shall include the use of white timber weatherboarding instead of composite boarding.

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.

Planning Committee Report
6 July 2017

REPORT SUMMARY

REFERENCE NO: 17/501093/REM

APPLICATION PROPOSAL: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant of 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).

ADDRESS: Land West Of Mill Bank, Maidstone Road, Headcorn, Kent, TN27 9RJ

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.

SUMMARY OF REASONS FOR RECOMMENDATION:

- Outline approval in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application.
- 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 local residential amenity including loss of daylight, sunlight, outlook and privacy.
- The proposal will provide a good standard of residential accommodation.
- The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

REASON FOR REFERRAL TO COMMITTEE:

Headcorn Parish Council has requested that the application is determined by the Planning Committee.

WARD: Headcorn	**PARISH COUNCIL:** Headcorn	**APPLICANT:** Bovis Homes **AGENT:** N/A
DECISION DUE DATE: 14/06/17	**PUBLICITY EXPIRY DATE:** 14/04/2017	**OFFICER SITE VISIT DATE:** 28/03/2017

RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):

App No:	Proposal:	Decision:	Date:
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 being sought) committee 25/02/2016	Approved	24/08/2016
17/500190/SUB	Submission of Details to pursuant to Condition 8 - Habitat Management Plan and Condition 9 - Mitigation Strategy subject to 15/507424/OUT	Approved	19/05/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site covers an area of 3.7 hectares on the west side of Mill Bank (A274) with Mill Bank running into Maidstone Road outside the site. The application site frontage to Mill Bank is 280 metres in length.

1.02 A line of existing residential properties (72 to 106 Mill Bank and The Barn) are located opposite the site frontage on the east side of Mill Bank. Headcorn Bowling Green is also on the east side of the road opposite the northern part of the application site. The properties on the east side at 72 to 100 Mill Bank and 29 Mill Bank to the south are within the Headcorn Village boundary with the application site located just outside.

1.03 The southern boundary of the site is shared with the detached property at 29 Mill Bank. The application site boundary includes the majority of an unmade vehicle access track immediately to the north of 29 Mill Bank. This track provides secondary access from Mill Bank to the group of residential properties to the south west of the application site (The Croft, Old House, Black Mill Cottage and Black Mill Farm) with primary access from Black Mill Lane.

1.04 The north and east site boundaries are marked by an established hedgerow, with a hedgerow also separating the main part of the site from the access track to the south. The west boundary of the site is currently open with no change in the landscape between the site and adjoining fields. The ground level on the site has a gradual slope down from the south to the north.

1.05 A public right of way (PROW KH591) runs across the site from the north east boundary (just to the north of The Barn) to the pond adjacent to the southwest corner. When travelling northwards the pavement on the east side of Mill Bank stops at the south east corner of the application site. The pedestrian footpath on the west side of the A274 runs the length of the site continuing for some distance to the north (junction of Tattlebury Lane). There are two informal vehicle parking laybys on the east side of Mill Bank that are within the application site boundary. When traveling north along Mill Bank the 30 miles per hour speed limit changes to 40 miles per hour outside the site and adjacent to The Barn and 106 Mill Bank.

1.06 The Barn adjacent to 106 Mill Bank and opposite the site frontage is a grade II listed building. The site is classified as Grade 3b agricultural land. There are several ponds adjacent to the boundaries of the application site. The trees surrounding the ponds to the south east and south west boundaries are covered by group Tree Preservation Orders. The site is located in the Low Weald Special Landscape Area. The application site, together with Headcorn Village is designated as a Landscape of Local Value in the emerging Local Plan.

2.0 PROPOSAL

2.01 At the planning committee in February 2016 members resolved to approve outline planning permission for the residential development of this site for up to 62 dwellings. The application under reference 15/507424/OUT was approved on the 24 August 2016 with a legal agreement providing 25 affordable units and financial contributions towards education, community learning, youth services, libraries and public right of way improvements.

2.02 The outline permission approved the vehicle access from the A274 in the southeast corner of the site, and the emergency access toward the northeast corner. The

approved internal site access consisted of a tree lined primary route running east to west through the site. All other matters (landscape, scale, appearance and layout) are being considered as part of the current reserved matters application.

2.03 The site for housing development to the east and south of the site with areas to the north and west provided as communal amenity green space. The proposal includes additional landscaping, tree and hedgerow planting, natural and semi-natural open space, a Local Equipped Area for Play (LEAP) and ecological mitigation. A detention basin is proposed within the open space in the northern section of the site.

2.04 The development provides 25 affordable units (40%) and 37 (60%) market units. Within the affordable accommodation the development provides 10 shared ownership units (SO – 40%) and 15 social rented (SR – 60%) units. This is in line with the indicative policy advice that gives a 30/70 tenure split and the s106 legal agreement attached to the outline approval.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T1,T13 and CF1
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP17, DM1, DM2, DM3, DM7, DM11 to DM13, DM22, DM24, DM25, DM27, DM34 and ID1
- Headcorn Neighbourhood Plan Regulation 16: HNP1 to HNP3, HNP9, HNP12 and HNP13.

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 polices 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; DM22; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7 DM11 - DM13, 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.

3.03 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 <u>LOCAL REPRESENTATIONS</u>

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**: Nine representations received from local residents objecting to the proposal on the following grounds (summarised):

- With neighbour and parish council objection, outline planning permission should not have been given;
- Objections have all been based on factual evidence relating to inadequate infrastructure including sewage, road safety, school places and Drs Surgery;
- Consultation is pointless as the council appeal to take no notice of opinions;
- The proposal is 'well outside' the village envelope and reminiscent of 1950s-1960's "ribbon development";
- The site is outside the village and is greenfield land and rural character will be lost;
- The council appears to be allowing all the land between Headcorn and Maidstone to be developed and the village is disappearing;
- The development is not needed as the housing land needed to accommodate demand has been reduced.
- Traffic and parking issues including cumulative impact and loss of the lane;
- Nuisance from construction phase, car parking, noise and dust;
- Overdevelopment
- Loss of privacy;
- Design uninspiring, not in keeping and not respecting the Kent Vernacular;
- Contrary to the neighbourhood plan that says developments are a maximum of 30 houses;
- Sewerage and drainage problems
- Impact is unclear including boundaries on the track at the southern edge of the site, known as 'Muddy Lane';
- Pavements and pavement widths are inadequate;
- The proposal will worsen road safety local speed management issues;
- Consultation by the applicant has been inadequate and inconsistent;
- Submitted plans are unclear in terms of paths, parking for existing residents, bus stops; emergency access point.
- The removal of the hedge would cause harm to the listed building;
- The access is in the wrong location (NB: approved with the earlier outline permission)

4.03 **Local resident**: One representation has been received from a local resident in support of the proposal on the following grounds (summarised):

- Headcorn needs a decent supply of modern houses to allow new and ideally young people to move to the village and support local amenities;
- Headcorn needs new houses to ensure affordability for the children and grandchildren of existing residents;
- The impact on traffic congestion will be minimal when compared to the travel habits of existing residents;
- The privatisation of infrastructure and utilities has led to a lack of investment in these areas;
- It is more productive to work with developers to invest in infrastructure through the s106 or CIL system;
- The development is an efficient use of land;
- Development of this site prevents use by travellers or flytipping;
- The development will help the local economy creating direct and indirect employment;
- The development provides a network of paths that link with existing footways;
- The development should contribute towards local highway improvements.

4.04 An informative on the decision notice for the outline approval for this site advised the applicant of a request for a development delivery group to be set up. In response to this a meeting took place on the 9 March 2017 in the council offices with a follow up site meeting on the 28 March 2017. The developer attended these meetings with invitations sent to ward Members, representatives of the Parish Council, the Planning Committee chairman and political group spokesmen.

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 an informative advising of the need to keep the right of way accessible and the procedure for temporary closures or diversions.

5.02 **MBC Landscape and Trees:** No objection but highlight requirement to submit further details to discharge conditions on the outline permission including a landscape maintenance schedule and long term management plan; schedule for the proposed native woodland mix planting, arboricultural method statement and tree protection plan and indication whether trees are feathered, standard or advanced nursery stock.

5.03 **Crime Prevention Design Advisor**: No objection subject to an informative advising the applicant to contact the Crime Prevention Design Advisor to discuss Crime Prevention and Community Safety measures.

5.04 **NHS West Kent Clinical Commissioning Group:** No objection subject to a financial contribution towards healthcare and to enhance healthcare needs within the NHS services.

5.05 **SGN** (Southern/Scotia Gas Networks): No objection subject to an informatives relating to preventing damage to gas infrastructure.

5.06 **KCC Drainage:** No objection but would welcome discussion with the applicant prior to the submission of information to discharge condition 14 on the outline approval.

5.07 **Southern Water:** No objection subject to any new foul pumping station and compound being revised to meet adoptable standards and highlighting that connection to the public foul network can be carried out only on completion of sewerage network improvements works.

5.08 **Headcorn Parish Council**: Objection to the application on the basis that the plans do not reflect the following issues that were raised with the applicant: lack of white weatherboarding on the road facing properties; the layout of the affordable housing; the landscape impact from the proposed two and a half/three storey buildings.

5.09 **MBC Conservation Officer:** No objection to this application on heritage grounds and the maintenance of a strong hedgerow screen along the A274 boundary of the site.

6.0 APPRAISAL

Main Issues

6.01 Outline planning permission has previously been approved by the planning committee for a residential development on the application site for 62 dwellings

(15/507424/OUT – August 2016). The existing outline permission gave approval for the access arrangements to a residential development on this site.

6.02 The current planning application seeks approval for matters not considered at the outline stage, with this reserved matters application providing details of landscape, scale, appearance and layout. The key issues for consideration at this reserved matters stage are design and appearance including potential impact on heritage assets, potential impact on residential amenities, the standard of the proposed residential accommodation, the potential impact on the local highway network and ecology.

Design, appearance and layout

6.03 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to, and where possible 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.

6.04 The application site is adjacent to the built up area of Headcorn which is a designated rural service centre in the emerging plan. The character of the area to the north and west of the site is of open fields with sporadic residential development. The character of the area to the south and east is the built up area of Headcorn village.

6.05 The existing development along Mill Bank both opposite the front boundary and to the south consists of terraced and detached dwellings in a variety of building styles, shapes and sizes. These buildings include the property at 54-56 Milbank that has two storeys with a third floor in the roofspace, the properties at 98-104 Mill Bank are two storeys high with front dormer windows to a third storey. The building at 30-32 Mill Bank whilst two storeys, has large front gabled bays and a sloping roof which appears as an additional storey.

6.06 The majority of the proposed dwellings are 2 storeys in height, with proposed roof ridge heights of between 8.5 metres and 8.7 metres. The development also includes a larger building located in the south east part of the site providing 8 flats. This building set behind an established and retained hedgerow is partly 2 and partly 2.5 storeys in height (roof ridge height of 11.6 metres). The higher 2.5 storey section of the building is set back from the southern site boundary by a distance of 16 metres (9 metres from the hedgerow) and 70 metres from the front site boundary in Mill Bank. At the closest point a distance of 41 metres separates this new building from the closest residential property (29 Mill Bank).

6.07 The height and scale of the proposed development is acceptable. The height of the 2.5 storey building is acceptable in the context of nearby development that is of comparable height, the screening provided from the site boundary, and the separation distance from the closest residential property and the site frontage. The provision of buildings of 2.5 storeys is also in accordance with condition 18 attached to the outline approval for the site and policy HNP1 of the draft neighbourhood plan. Condition 18 states that no buildings shall be “over a height of 2.5 storeys (any third floor to be within the roof space)” with policy HNP1 stating that there should be “…no new development of more than two and a half storeys”.

6.08 Consultation responses have sought to compare the 2.5 storey building to a building completed as part of the development on land to the north of Lenham Road (14/505162). This development was visited during the site visit with residents, councillors and the developer. It is considered that there are important differences

between the two developments; these include the distance from the property boundary, the distance from adjacent development and the existing screening which is to be enhanced.

6.09 The proposal is laid out with built development concentrated towards the south east part of the site with new open space along the north and west site boundary. Proposed built development does not extend past the northern most point of the Headcorn Village boundary that is marked by The Barn in Mill Bank. The proposed layout includes new access roads running parallel with Mill Bank to the east, along the boundary with the new open space to the west and along part of the southern boundary. The proposed new housing is arranged as detached properties in various different styles, 4 separate small terraces and the flatted block.

6.10 The buildings are designed in a traditional architectural style to reflect the character of the local area, including multi stock facing brickwork, vertical tile hanging, concrete roof tiles weatherboarding and solider course brick lintels with front single or double storey bays with roof gables, 45 degree roof pitches and chimneys. Fenestration has vertical proportions with side hung opening lights. The submitted application provides details of boundary fencing including 1.8 metre high close boarded fencing between back gardens 1.8 metre high panel fencing between back gardens and public areas.

6.11 In conclusion the scale, height, materials, detailing, mass, bulk, articulation, and site coverage are acceptable with the proposals responding positively to the character of the area.

Impact on heritage assets

6.12 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).

6.13 The application site is not in a conservation area and does not contain any listed buildings; a grade II listed building is located on the east side of Mill Bank (A274) opposite the northern part of the application site. This building called 'The Barn' has been converted to residential use. The building is largely screened from the eastern side of Mill Bank by vegetation and outbuildings. On the western side of Mill Bank the application site boundary is formed by a hedgerow which screens the application site from the road. This hedgerow is largely retained and enhanced as part of the proposal providing further screening between the application site and the listed building.

6.14 With the application site separated from the listed building by the A274 and vegetation on both sides of the road the application site plays little part in providing a setting to the listed building. In these circumstances the proposed residential development which has been suitably designed would cause negligible harm to the setting of the listed building. The site is not located within an archaeological priority zone and there is no reason to believe that any archaeological remains would be affected by the development.

Visual impact, ecology, landscaping and trees

6.15 The NPPF sets out the need to consider the character of different areas and to recognise '*the intrinsic character and beauty of the countryside' (para 17).* The NPPF

makes a distinction between international, national and locally designated sites with protection commensurate with their status (para 113).

6.16 Whilst the application site does not have nationally designated landscape protection (SSSI, AONB, National Park etc.) it is designated as the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016). In the special landscape area the scenic quality and distinctive character will be protected and enhanced (adopted policy ENV34). The distinctive landscape character of the designated landscapes of local value will be conserved and enhanced (emerging policy SP17).

6.17 The potential impact of developing this site on the special landscape area and landscape of local value was considered at the outline application stage and this impact was considered acceptable. The landscape and visual appraisal submitted at outline stage concluded that *"…the proposed development would not be significantly visible in the wider surroundings of the area and where visible, would be seen within the wider built context of Headcorn…There would be no overriding adverse effects that should preclude the proposed development on landscape and visual grounds"*. This outline approval set out parameters such as the maximum storey height and the extent of built development which have been followed in the current reserved matters application.

6.18 A detailed landscape strategy has been submitted with this application on a landscape plan. The strategy outlines the soft and hard landscaping that is proposed, and this includes the tree species, quantity and size, ecological enhancements; sustainable urban drainage features; play area specification, public open space, hard surfacing and enhancement of the existing boundary hedgerows. These details are considered acceptable and in accordance with the council's landscape guidelines. Planning conditions on the outline approval require the submission of a landscape maintenance schedule and long term management plan.

6.19 The reserved matters application follows the approach that was considered acceptable at the outline application stage. With the majority of trees located around the site boundaries the layout of the development has been designed to minimise any harm to trees on the site. The development will involve the loss of a single tree and the removal of a small length of hedgerow to facilitate the access points from Mill Bank. The development retains the layout that was approved at outline stage and as a result the current detailed proposals will have no greater impact on trees when compared with the earlier outline approval. Planning conditions on the outline approval require the submission of a landscape maintenance schedule and long term management plan.

6.20 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments (NPPF para 118). The ecological appraisal submitted at outline application stage was considered acceptable subject to conditions that required (8) submission of an Ecological Design and Management Strategy and (9) an Ecological Mitigation Strategy. Information to discharge these conditions including ecological mitigation have been submitted to and approved after consultation with KCC Ecology (see planning history).

Residential amenity and standard of accommodation,

6.21 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties including in terms of overlooking and visual intrusion. Built form should not result in an unacceptable loss of privacy or light. NPPF core principles include a requirement to seek "*a good standard of amenity for all existing and future occupants of land and buildings"* (para 17).

6.22 Existing residential properties on the east side of Mill Bank would be separated from new houses by a distance of between 23 metres and 30 metres. This distance includes the width of the public highway, the existing hedgerow along the site boundary and existing front gardens. In the south east corner of the site a distance of 28 metres, that includes an established hedgerow within the application site, the unmade access track and trees on the site boundary separate the closest proposed residential building from the detached property at 29 Mill Bank. Distances of 110 metres and 140 metres separate buildings on Mill Farm and The Croft respectively from the closest proposed new building.

6.23 The proposed units and the site layout will provide a good standard of residential accommodation for future occupants in terms of privacy, internal layout, daylight and external space. Whilst it is accepted that Mill Bank (A274) is an arterial road carrying more traffic than other local roads, any noise or disturbance from road traffic would be insufficient to support the refusal of planning permission.

6.24 In summary it is considered that the proposed development will respect the amenities of occupiers of existing neighbouring buildings. The development is acceptable in relation to issues of privacy, overlooking, visual intrusion, daylight and sunlight. The proposed development is acceptable in relation to scale, design and internal layout with the development providing dwellings in sizable plots with large gardens with a good standard of accommodation for future residents.

Impact on the local highway network and public right of way.

6.25 The National Planning Policy Framework (NPPF) states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are 'severe' (para 32). With the aim of guiding development the emerging plan sets out a sustainable settlement hierarchy. The application site is located immediately adjacent to Headcorn village. Headcorn is a rural service centre in the emerging plan where these designated settlements are second only to the Maidstone Urban Area on the sustainable settlement hierarchy.

6.26 The proposed vehicle trips associated with 62 residential units and the vehicle access points (main access and emergency) have previously been considered by members and given approval as part of the earlier outline planning permission. The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable.

6.27 The emerging plan states that car parking will take into account the type, size and mix of dwellings and secure an efficient and attractive layout of development whilst ensuring integration of appropriate parking provision (policy DM27). The standards recommend 1.5 off street car parking spaces for each 1 and 2 bedroom unit, 2 spaces for 3, 4 and 5 bedroom units with 0.2 visitor spaces per unit. The proposal generally accords with these standards except for some of the two bedroom units that have one parking space rather than 1.5. It is considered overall that the parking quantity, layout and design is acceptable with a mixture of parking available in attached and detached garages, car ports, allocated off-street parking spaces and if necessary on street parking.

6.28 Condition 19 attached to the outline approval requires detailed plans showing road and footway widths, shared surface arrangements, junction layouts and parking and turning areas to be submitted and approved in writing by the Local Planning Authority. Condition 20 requires a Section 278 agreement between the applicant and Kent County Council Highways, relating to the works identified in the Transport Statement. These works include potentially the location of new bus stops at the site frontage; the identification and provision of uncontrolled pedestrian crossing points (to connect the PROW across the A274); full details/design of the emergency access point and speed reduction signage. Discussions have started between the applicant and KCC Highways in relation to the Section 278 agreement.

6.29 The site layout demonstrates a good level of permeability with pedestrian links allowing access to the village centre to the south of the site. A public right of way (PROW KH591) runs across the application site from the north east boundary (just to the north of The Barn) to the pond adjacent to the southwest corner where it continues west towards The Croft. As a planning obligation attached to the outline permission the applicant will pay a contribution of £22,683 towards directional PROW signs (£603) and the remainder for the resurfacing of the PROW.

Flooding and drainage

6.30 The information submitted by the applicant at outline stage was acceptable subject to planning conditions and KCC drainage and Southern Water have raised no objection to this reserved matters submission.

6.31 The conditions attached to the outline permission require the submission and approval of a detailed sustainable surface water drainage scheme (condition 14) and details of foul water drainage with any necessary off-site network improvements (condition 15). It is considered that with these conditions the proposed development is acceptable in relation to flooding and drainage issues.

Planning obligations

6.32 At the planning committee in February 2016 members resolved to approve outline planning permission for the residential development of this site for up to 62 dwellings. The application under reference 15/507424/OUT was approved on the 24 August 2016 with a legal agreement providing 25 affordable units and financial contributions towards education, community learning, youth services, libraries and public right of way improvements.

6.33 The consultation response from the NHS on the outline approval confirmed that no s106 money was required as local surgeries had the capacity to accommodate the extra demand from the development. The NHS consultation response to the reserved matters application is now requesting a contribution of £52,228. Planning obligations were considered at the outline application stage and as the number of dwellings has not increased and the relativity short time period that has elapsed there is no reason to consider seeking this contribution at this stage.

Environmental impact assessment

6.34 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 Outline planning approval is in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application.

7.02 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 local residential amenity including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of residential accommodation.

7.03 The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

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: HCRN-000 rev A; HCRN-001; HCRN-002 rev C; HCRN-003-1 rev A; HCRN-003-2 rev A; HCRN-004 rev A; HCRN-005 rev A; HCRN-006 rev A; HCRN-DS rev A; HCRN-050/1; HCRN-050/2; HCRN-050/3; HCRN-051/1; HCRN-051/3; HCRN-090/1; HCRN-091/2; HCRN-092/1; HCRN-095/1; HCRN-096/1; HCRN-096/2; HCRN-095/2 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.

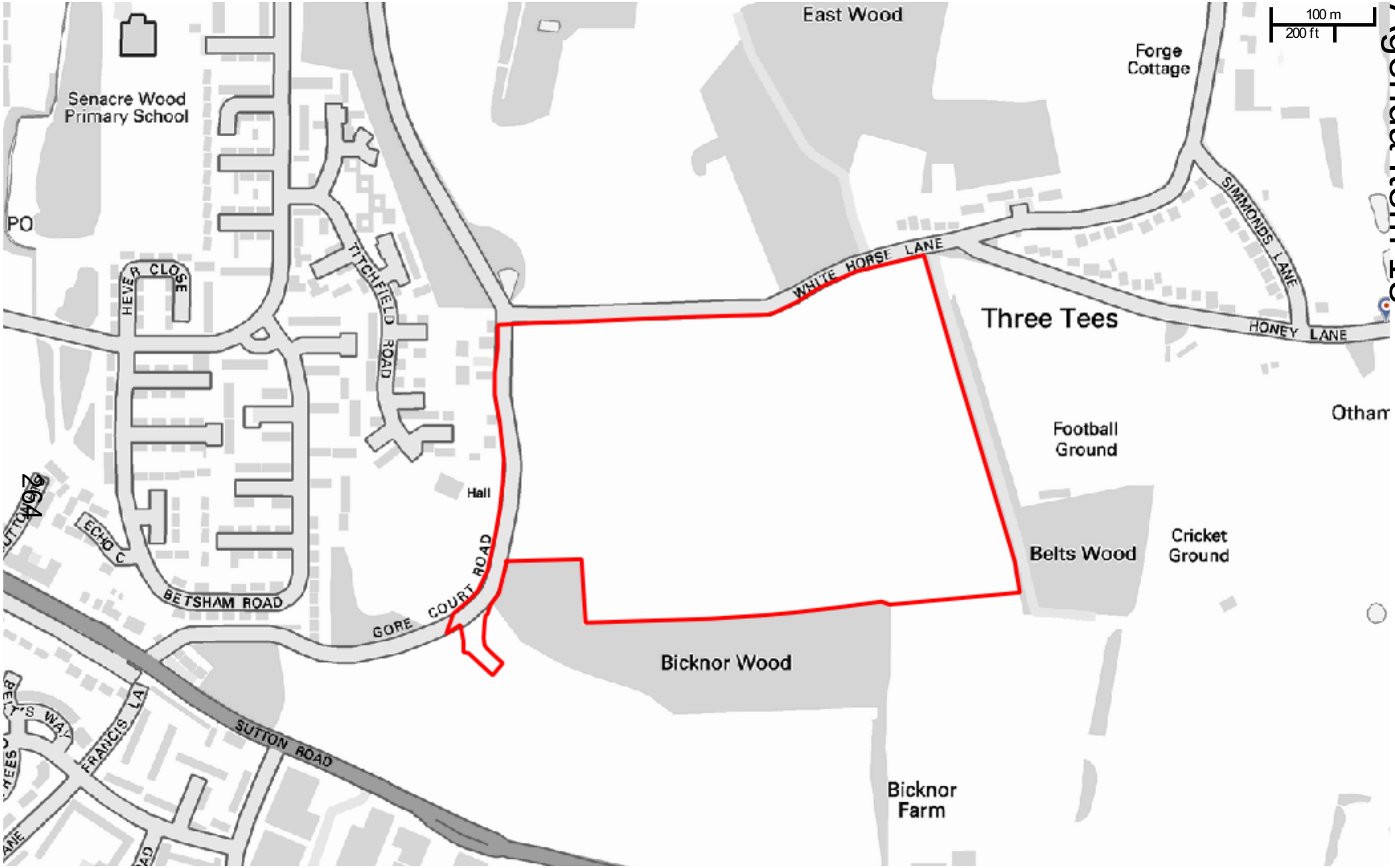
(2) Prior to the commencement of development details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter. Reason: To secure an energy efficient and sustainable form of development in accordance with the provisions of the NPPF. This information is required prior to commencement as ground works may restrict the range of options that are available.

(3) Prior to the commencement of development schedule for the proposed native woodland mix planting and submission of a plan indicating whether trees are feathered, standard or advanced nursery stock shall be submitted to and approved in writing by the local planning authority The approved details shall be implemented in accordance with condition 7 attached to the outline approval.

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

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.



17/501449 Land North Bicknor Wood
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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 to the Head of Planning to grant planning permission subject to: 1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise 2. such conditions and informatives as the Head of Planning and Development may advise, Head of Planning and Development be given delegated powers to grant full permission (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 – • 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 5th 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/ENVSCR	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	Approved	18/1/17

	Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.		

1. INTRODUCTION

1.1 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.

1.2 The application was recently considered by Committee on 17th August 2017 and was subject to further objections from KCC on Highways grounds, which were addressed in an Urgent Update. That urgent update has been incorporated into this report.

1.3 The application was deferred at Committee on 17th August 2017 to allow further discussions with Kent County Council on highways matters. Such discussions will be covered in an urgent update report.

2. DESCRIPTION OF SITE

2.01 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.

2.02 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.

2.03 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.

2.04 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.

2.05 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.

2.06 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.

2.07 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.

2.08 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.

2.09 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).

3. 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 new community hall as existing facility is inadequate;
- 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 <u>CONSULTATIONS</u>

(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 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 are 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.

6.05.6 The Local Plan Inspector's report was published on 27th July 2017 and makes the following relevant points. "The Kent Minerals and Waste Local Plan" does not require that proposed allocations must be subject to a prior Minerals Assessment, as is the case for other types of sites, and Policy DM7 (7) specifically exempts allocations in adopted Local Plans from being subject to this requirement. The relevant extract of the Local Plan Inspector's report is included below:
Minerals
"61. In September 2016 KCC published for consultation a draft Supplementary Planning Document entitled 'Minerals and Waste Safeguarding.' MBC has made representations on this document [Document ED 119] and has highlighted that the approach to emerging site allocations has not yet been clarified. It remains unclear what type of minerals assessment is needed for such sites.
62. In these circumstances I conclude that the absence of a policy requirement for a minerals assessment in respect of allocated non-minerals development within the ragstone or Sandgate formation MSA would not result in material inconsistency with national policy since these minerals are not likely to be needed."

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 consider 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 Prior to Committee on 17th August KCC reiterated highways related objections for which the following response was provided. Highways issues were considered in considerable detail when the Committee resolved to grant consent for 15/509015 and 15/509251on 14th July 2016. Maidstone officers have stated that the proposals will not lead to a severe impact on highways. The County Council have consistently failed to implement necessary highways improvements funded through S106 which were necessary to relieve congestion on A274. This has been clearly acknowledged by the Inspector of the Maidstone local plan EiP (See 6.11.2 below). It is in this context that KCC have been excluded as signature for the relevant S106s. They have, however, been consulted on the contents of the S106s. The proposed highways works represent a comprehensive approach to impact mitigation and are in line with expert specification, such as the A274 Corridor Study, part of the evidence base underpinning consideration of the applications. I consider that the relevant reports presented to this and previous relevant committees provide an accurate summary of the County Council's view.

6.11.2 *"Conclusion on Transport in South East Maidstone*
169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.
170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

6.11.3 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.

6.11.4 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.

6.11.5 **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.

6.11.6 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 led to an unsustainable increase in uncontrolled parking and is acceptable.

6.11.7 **Alternative vehicle access**

6.11.7.1 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 <u>CONCLUSION</u>

7.01 The proposal represent 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 <u>RECOMMENDATION</u>

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.

- A contribution of £31,680 for the upgrading of PROW s KM87, KM88 and KM94

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, delete 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, sighte 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, managment 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 biodiversityshall 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
Arboricultutal 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
Planning Committee Report
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 A274and 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:
<u>Welcome Pack</u>
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 thefollowing 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

REPORT SUMMARY **Appendix A**

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 – • 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 5th 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/ENVSCR	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 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 are 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 consider 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 led 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 represent 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, sighte 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, managment 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 biodiversityshall 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 Arboricultutal 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
Planning Committee Report
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 A274and 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 thefollowing 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

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.

Advise 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 contribution 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

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%

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:

Site		AM	PM	Total
H1(10) Land South of Sutton Road	Arr	21	63	
	Dep	61	38	
	Total	82	101	183
Maidstone East and Sorting Office	Arr	28	36	
	Dep	22	38	
	Total	50	74	123
Lenham (broad location)	Arr	15	35	
	Dep	34	22	
	Total	50	57	107
H1 (8) West of Church Road	Arr	11	26	
	Dep	26	17	
	Total	37	43	80
H1(7) Land North of Bicknor Wood	Arr	5	24	
	Dep	32	13	
	Total	37	36	74
Maidstone School of Science and Technology	Arr	47	0	
	Dep	25	0	
	Total	72	0	72
Mote Road	Arr	28	2	
	Dep	4	24	
	Total	32	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)

- 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%

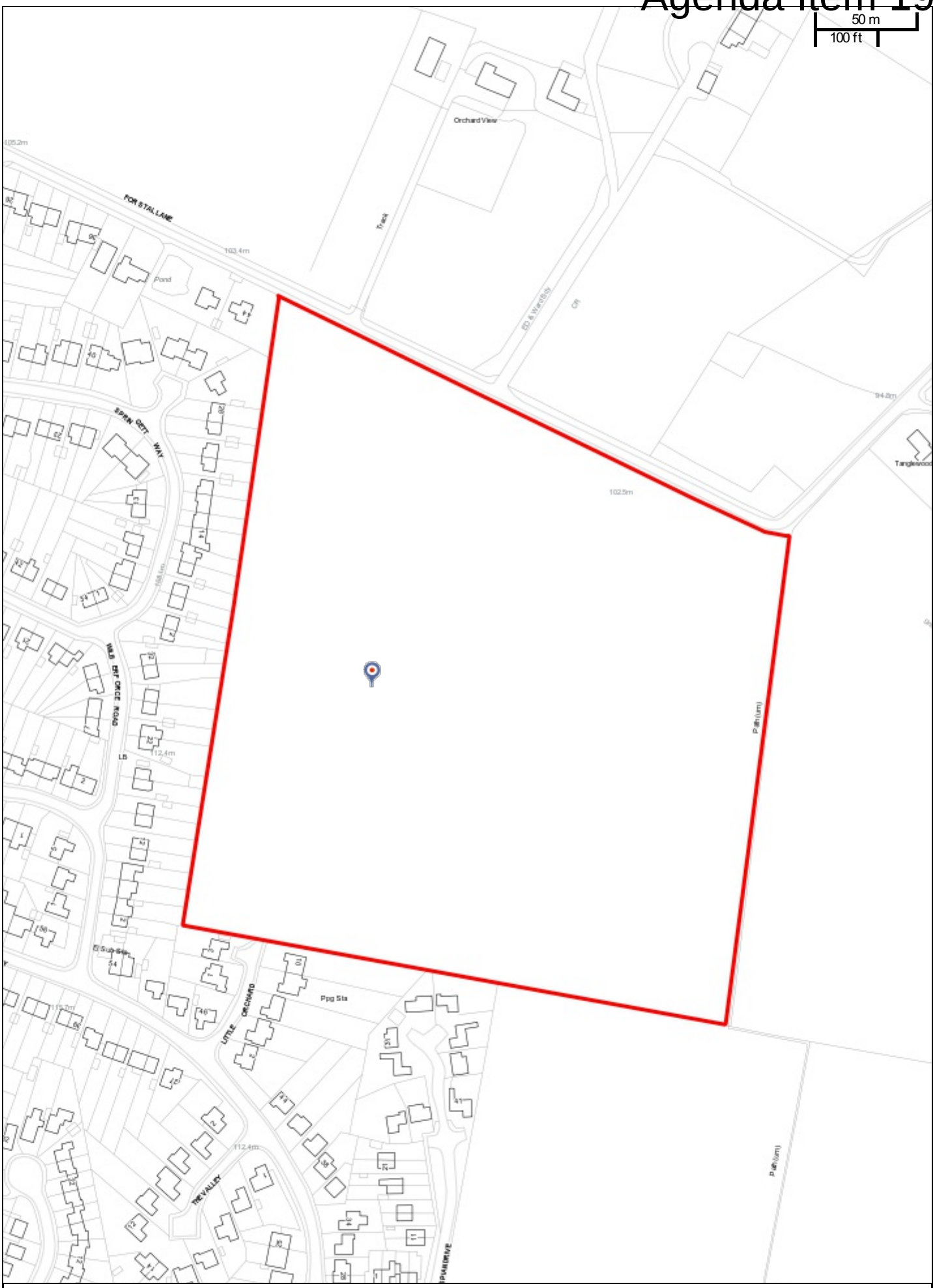
Way Forward

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.



17/502072 - Site H1 (60)
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REPORT SUMMARY

REFERENCE NO - 17/502072/OUT

APPLICATION PROPOSAL -

Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought).

ADDRESS – Land South of Forstal Lane, Coxheath,

RECOMMENDATION – Approve subject to conditions and completion of a legal agreement

SUMMARY OF REASONS FOR RECOMMENDATION –

The application relates to a housing allocation H1-58 as modified (formerly H1-60 in the Reg 19) version) which is contained within the emerging Maidstone Local Plan which has now progressed through examination and is now awaiting formal adoption by the council. There have been no significant modifications or concerns raised in respect of the site and thus this status as a housing allocation can be given very significant weight. Whilst the current application proposes dwellings in excess of that set out in the policy H1-58 (as modified), the policy does allow flexibility and as it is an outline scheme, it is considered there is scope to secure a high quality scheme at the reserved matters stage including a substantial area of open space and the other matters relevant to the policy. Due to the stage of the emerging plan, it is considered residential development of the site is acceptable in principle and the development would accord with the relevant policy criteria. Furthermore, the submitted documents demonstrate the site is capable of accommodating the proposed quantum of development having regard to any identified constraints and also demonstrate the wider impacts of the development are acceptable or can be mitigated. Therefore it is considered the development will accord with the NPPF and the emerging strategy for the Borough and Coxheath and therefore it is recommended outline planning permission is granted for the development subject to the relevant conditions and legal agreement.

REASON FOR REFERRAL TO COMMITTEE -

- Major Development
- Coxheath Parish Council object to the application and wish for the application to be heard at the committee

WARD	**PARISH/TOWN COUNCIL**	**APPLICANT** Charterhouse Property Group **AGENT** Simply Town Planning
Coxheath and Hunton	Coxheath	
DECISION DUE DATE	**PUBLICITY EXPIRY DATE**	**OFFICER SITE VISIT DATE**
24.7.2017	2.6.2017	15.5.2017

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
	None directly relating to the site		
14/0836	Adjoining site to the south. Construction of 130 dwellings (site-H1-59 – Reg 19)	Approved	17.9.2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site extends to 7.79ha and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and a Local Plan allocation H1(59 Reg 19) as modified which was approved in 2015 for 130 dwellings. The site is currently laid out as rough grassland and scrub which is enclosed by hedgerows to its boundaries, with the western part of the site being relatively level with the eastern part of the site dropping into a gentle valley which runs from the southern to northern boundary of the site. The site has an existing site access onto Forstal Lane to the northern boundary and has a public footpath, KM67 which runs north to south along the eastern boundary.

1.2 The established part of Coxheath village lies to the south and west, including Park Way and open countryside lies to the north and west. Forstal Lane itself is characterised by a lane with deep highway verges bordering the boundaries with the properties that front onto the lane. Coxheath village is a short walk via the existing estates to the south west via the footpath link or alternatively along Forstal Lane and through Mill Lane and through the aforementioned housing estate. The village itself has a range of facilities including shops, medical and community facilities and public transport links.

2.0 PROPOSAL

2.1 Outline planning permission is sought for a residential development of up to 210 dwellings together with access to Forstal Lane, 1.85ha of open space and associated works such as landscaping and parking provision. The application is submitted in outline form with only access to be considered at this stage and therefore, the matters subject of the application is the principle of the development, including an assessment that the quantum of development can be accommodated on the proposed site and whether the means of access, i.e. that the position and standard of access, are acceptable. The matters of scale, appearance, landscaping and layout are reserved for later determination.

2.2 As part of the scheme the applicant is also proposing improvements to Forstal Lane itself to widen the carriageway, improve the junction with Stockett Lane and to provide a footpath to Mill Lane, on the southern side of Forstal Lane from the site entrance. These are directly associated with the proposals but would be secured by Section 278 agreement with KCC Highways. The site is proposing to include 1.85ha of open space, in excess of the policy standards, which is shown in the eastern part of the site on the indicative masterplan, which will also include a SUDS attenuation area and play equipment.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents:

Draft Maidstone Local Plan (2011-2031): SS1, DM1, DM3, H1, ID1, H1-60 (H1-58 as modified), DM14 (DM13 as modified), DM22 (DM19 as modified), DM25 (DM21 as modified)

4.0 LOCAL REPRESENTATIONS

4.1 **Local Residents**: Approximately 275 representations received from local residents raising the following (summarised) issues:

- Highway congestion and increase in traffic
- Highway safety
- Severe impact causes and inadequate mitigation
- Lane inappropriate for volumes of traffic
- Impact on countryside character
- Size of development inappropriate
- Infrastructure at breaking point including doctors and community facilities
- Access along narrow country lane is inappropriate
- Inaccuracies/incorrect approach in Transport Assessment- impact of certain developments not considered
- Ecology impacts and adverse effects on local wildlife
- Air Quality issues
- Scale of development too large for a village such as Coxheath and already had too many homes built
- Character of Coxheath as a village is disappearing.
- Pedestrian and school safety especially along Forstal Lane and Stockett Lane
- Rat Running through estate and also through country lane and Well Street
- Sewage and surface water infrastructure is inadequate
- Flooding issues
- Access could be developed through new estate
- Impact on amenity of existing properties
- Conservation area
- Merging of Loose and Coxheath and contrary to anti-coalescence policies.

4.2 Coxheath Parish Council has objected to the application on the following grounds;

- Coxheath is a larger village and local plan inspector was inconsistent with regards to level of growth and has raised objections to levels of growth throughout local plan
- Development unsustainable due to level of infrastructure
- Site is unable to demonstrate it can achieve infrastructure in terms of highways, flood risk and sewerage.
- Excessive housing numbers individual and cumulatively with other applications
- Forstal Lane unsuitable and no footpath provided to Stockett Lane
- Transport Assessment is flawed
- Sewage and water supply issues
- Eradicate countryside between Coxheath and Loose
- Flood measures

4.3 Loose Parish Council (the adjoining Parish) have also objected to the application on the following grounds;

- Impact of traffic via Forstal Lane into Well Street

- Loss of countryside between Loose and Coxheath
- Density of housing
- Surface water flooding
- Inaccuracies over walking and bus times
- Infrastructure

4.4 There has also been an objection from the Ward Councillor Brian Mortimer who has submitted concerns regarding the means of access to the site along with a report produced by a local Transport Consultancy, DHA Planning, which assessed the proposed means of access and considered other access points to the site to be more appropriate, namely that through the new estate to the south.

4.5 Furthermore, at the time of writing a petition had been signed with around 600 people objecting to the application on the basis of the access point along Forstal Lane and pressures on infrastructure. The points raised are addressed later in this document.

5.0 CONSULTATIONS

5.1 **KCC Drainage** No objections and suggest a condition relating to SUDS and restricting infiltration

5.2 **KCC Ecology** No objections and all relevant surveys have been undertaken and subject to the proposed mitigation measure no detrimental impact will be caused and advise that a condition be placed regarding a biodiversity enhancement plan and mitigation

5.3 **KCC Archaeology** No objections subject to a condition requiring field evaluation works

5.4 **KCC Economic Development** No objections subject to contributions being secured in respect of education, social care, library, youth services and community learning.

5.5 **KCC Highways** No objections to the application subject to contributions to Linton Crossroads and planning conditions.

5.6 **KCC Rights of Way** No objections and confirm footpath KM67 should not be affected by the application require a bounded surface to be provide on the existing footpath.

5.7 **KCC Minerals and Waste**- Objects to the application on the basis of lack of information relating to minerals safeguarding

5.8 **MBC Environmental Health** No objections subject to conditions relating to contamination and air quality and electric charging point.

5.9 **MBC Landscape** No objections and considers LVIA to be in accordance with guidelines and the site has a high capacity for change having regard to the council's previous assessment. Suggests condition relating to tree and hedge protection and new planting scheme

5.10 **MBC Parks and Leisure** No objection and have acknowledged on site provision and have advised upon off-site provision

5.11 **Southern Water** Confirm at present there is a lack of capacity relating to foul drainage and suggests a condition and informative

6.0 APPRAISAL

Planning Policy Context

6.1 Although the site lies outside the development boundary as defined by the local plan that was adopted in 2000 and thus in principle would be contrary to policy ENV28, the site is allocated as a residential site for approximately 195 dwellings under policy H1-60 (which is now H1-58 in the modifications) within the emerging plan and therefore is a site which is an integral part of the councils future housing strategy including that for the larger village of Coxheath which is set out in policy SP13 of the plan. This emerging Local Plan is at 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. The examination of the plan included the Inspector assessing the suitability of the application site as an allocation including the proposed policy criteria. Apart from a minor modification which resulted in an increased density to 30dph, the Inspector found the policy relating to the site, H1-58 (as modified) to be sound. 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.

6.2 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to the emerging Local Plan policies; the preparation stage, the extent of unresolved objections & the consistency with the NPPF. In the respect of the allocation at Forstal Lane, it has been a consistent site within all stages of the Local Plan preparation, there are no unresolved objections to the site for a housing allocation and is considered to be consistent with the NPPF. In these circumstances, it is considered that **a**pproaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications, in the determination of planning applications.

6.3 It is also key that the Local Plan also adapts the current development boundary (as defined by ENV28) to bring the application site within the development boundary of Coxheath and the site plays a key role in the Coxheath Strategy which is set out in Policy SP13 which seeks to deliver approximately 506 dwellings within the village through the five housing allocations within the village. Therefore the site will lie within the village rather than within the countryside over the future plan period.

6.4 There have been some concerns raised regarding the scale of development for the village of Coxheath and its status of being a larger village. However, in his final report, the examining inspector states the following in respect of Coxheath;

> '*The other Larger Villages are also appropriately identified as part of the plan's spatial strategy. The amount of development is suitably related to the existing services and facilities which they possess. Where for example Coxheath is proposed for more development than Sutton Valence, it also possesses a wider selection of services and facilities, rivalling the Rural Service Centres (apart from the lack of a railway station but benefitting from closer proximity to Maidstone with reduced travel distances).'*

Thus on the basis of these factors, it is considered the site and its location are considered acceptable in principle. Whilst the impacts of the scheme would have been considered from a strategic perspective in relation to the wider effects of the development, the main issues facing the site are now discussed below;

Main Issues

Compliance with policy H1-58 (as modified) previously H1 (60) within Reg 19

6.5 This policy sets out the policy criteria to which the development needs to be considered against. H1-58 as modified (H1-60 in the Reg 19 plan) sets out the policy criteria for the development to meet which is based upon a development of approximately 195 dwellings at an average density of 30dph. The application proposes up to 210 units which reflect an average density of 35dph which is combined with an increased amount of open space, 1.85ha open space. This density is calculated on the basis of the modified Local Plan definition of calculating residential density. If one were to take a gross density of the site, it would be 26dpa. Whilst it has been noted that the provision is in excess of the number quoted in the policy, paragraph 6.6 of the emerging plan does confirm the proposed dwelling yield within the housing policies are an estimate and these may go up or down at the planning application stage. Furthermore, the proposals are considered to make efficient use of the site and the density would be similar to Site H1-57 as modified (H-59 Reg 19) which had a similar policy density estimate of 30dph but is instead around the 35dph level. Most importantly it is considered the indicative masterplan provides sufficient certainty that the quantum of development can be accommodated on the site in an acceptable manner including other associated infrastructure such as parking, landscaping and SUDS.

Parts 1, 2 and 3) The hedgerows along the eastern, western and southern boundary will be retained.

6.6 The indicative masterplan shows all hedgerows being retained (with the exception of the part necessary to create the access) including that along the western boundary and an appropriate condition is to be imposed to ensure protection of hedgerows and trees over the course of the development and that they are retained over the lifetime of the development. The landscaping to be reserved for later determination will also retain these within the scheme.

Part 4- Access will be taken only for Forstal Lane

6.7 The access is taken from Forstal Lane as per the policy requirements and KCC highways have reviewed this as part of the application and have no objections to the access design which it is considered can be secured by planning condition and the S278 process. This will be further discussed later in the report.

Part 5- Provision of a minimum of 1.4ha of open space together with additional off-site provision and contributions in accordance with policy DM22

6.8 The indicative masterplan shows a provision of 1.85h of open space and it is recommended a relevant condition secures this as a minimum provision and a LEMP is required by legal agreement to oversee its detail and management. A legal agreement will also secure the relevant contributions towards off-site open space which have been calculated as £184,800 (or £880 per dwelling) by the council's parks team in lieu of the open space that cannot be delivered on site to meet the DM 22 criteria.

Part 6 – Provision of footway between site and Mill Lane

6.9 The access plan shows a footpath from the site entrance to Mill Lane and KCC highways have reviewed this and have no objections to this. A planning condition will secure this and will require works to be undertaken prior to occupation through the mechanism of a S278 agreement.

Part 7- Improvements to footpath the eastern boundary

6.10 Improvements can be made to the footpath as part of a LEMP which is recommended to be secured by planning condition

Part 8- Contributions to the Linton Crossroads

6.11 This is recommended to be secured by legal agreement and is outlined in the section below

Part 9- Appropriate contributions to mitigation measures to improve the crash record at the junction of Stockett Lane and Heath Road

6.12 The KCC Highway states there is a low/medium risk of crash incidents at the junction and confirm that such contributions are now not required.

6.13 The Development will also conform to the general policy H1 in terms of supporting documentation and relevant assessments and will deliver the requisite infrastructure and open space requirements, either on-site or via a legal agreement.

Highway Impact

6.14. Many of the concerns raised by local residents and the Parish Council relate to the potential impact of the development in terms of local congestion and highway safety and the suitability of Forstal Lane to provide access to the site for this level of development. The application is supported by a Transport Assessment, Road Safety Audit and Travel Plan. Whilst, these local comments are noted, it is clear the Local Plan, which has recently been found sound, took account of these wider impacts, both individually and cumulatively as part of the process in allocating these sites for development. It also identified the infrastructure that would be required to mitigate the effects of congestion and safety issues which in this case would be the Linton Crossroads Contributions. These matters were also reviewed by the Local Plan Inspector who also considered the access to the site to be acceptable in policy terms.

6.15 In terms of trips from the development, the Transport Assessment forecasts 96 trips in the AM peak and 113 in the PM Peak and this is considered to be an adequate estimate by KCC Highways. At the Forstal/Stockett junction, the TA estimates that 36% movements will go north and the remainder will route south to Heath Road. The TA also estimates there will be movements via the estate roads of Mill Road/Wilberforce Road/Parkway. KCC Highways have reviewed the calculated trip rates and distribution and consider the Forstal Lane/Stockett Lane and Stockett Lane/Heath Road will all operate within capacity with the development.

6.16 Firstly, dealing with the matter of congestion, the Local Plan identifies the improvement to Linton Crossroads as being essential to the delivery of the housing sites within the locality. The application site is a key contributor to the Linton Crossroads improvement scheme as identified in the Infrastructure Delivery Plan and the funds to be secured by the application are crucial to this improvement plan coming forward. Whilst it has been recognised the capacity of the Linton Crossroads is currently over capacity and the development will add to this in the short term, the site will be required to provide contributions of £1500 per unit (£315,000 in total if 210 units are delivered) towards the Linton Crossroad improvement scheme. Once this is in place, the impacts of such development can be largely mitigated. In relation to the wider impacts, KCC consider development would not cause any severe effects which could justify a refusal on transport grounds.

6.17 There has also been concern raised over the suitability of Forstal Lane as an access as this matter has been raised by local people and councillors, including a local petition. An access appraisal has also been submitted in support of this local opinion which concludes an access through Site H1-57 (as modified) is most appropriate. Whilst such comments and information is acknowledged, it should be noted that the site specific policy specifically requires the development to be accessed only from Forstal Lane and the development accords with this requirement. This matter was specifically discussed at the Local Plan Examination whereby the Inspector explored this part of the Policy and found it to be sound. This can be seen from the Inspectors examination report and its appendices dated July 2017 that this part of the policy remains unmodified and is to be taken forward as part of the adopted plan.

6.18 Furthermore, the applicant is proposing improvements to the lane, which including widening of the road nearest to the access to 5.5m and the remainder of the lane to 4.8m in width along with a footpath of 1.8m from the site entrance to Mill Road, all within highway land. Furthermore, the junction of Forstal Lane/Stockett Lane is to be subject to improvements to improve visibility at this junction. These changes have been subject to a Road Safety Audit and have been reviewed by KCC Highways who have no objection in principle to these works and it is recommended these works are secured by a Section 278 agreement by way of planning condition.

6.19 As the scheme seeks approval for the access point to Forstal Lane, aside from the principle issue, this is the only detailed matter to be subject of assessment under this application. There have been comments by residents, a petition and views put across by Councillor Brian Mortimer (who draws upon the supporting Access Appraisal) regarding an alternative access point being more appropriate than that of Forstal Lane, this being an alternative access through the new estate, Willow Grange, to the south although it is noted this will require access through third party land. Whilst it is understood the applicant has investigated this matter through a meeting with the councillors and investigated this point in more detail in response to the council's concerns, it is considered the access to Forstal Lane is acceptable and the notion of requiring the applicant to look at alternative access points at this stage is unjustified and inappropriate for the reasons set out below -

6.20 Firstly, the most important point is that it is a specific policy requirement for the development to access via Forstal Lane and thus the scheme would be contrary to the policy if the alternative access was utilised. This policy has been scrutinised and approved by the council at many stages of the plan process and also reviewed by the government Inspector who found the access element of Policy H-58 to be sound. The policy has remained unchanged with the access to be taken only from Forstal Lane. This access scheme has been subject of a Road Safety Audit and KCC Highways have no objection to the access or the means of access along Forstal Lane. Therefore from a technical and policy standpoint, the means of access is fully justified and acceptable. Such policy support and acceptance of detail means it would very difficult to substantiate any objections on the basis of the access to Forstal or presence of an alternative access. It is considered if one were to object to the application on the point of access, such a decision could be seen to represent unreasonable behaviour which could face a potential cost award at any appeal.

6.21 Secondly, it is also noted that the access via the new estate is restricted by intervening third party land. Whilst it is suggested that the landowner of the third party land is happy to discuss potential resolution of this issue, it would also be inappropriate for the council to insist the applicant engages with other landowners which could then threaten the deliverability of the development especially when the scheme complies with the relevant policy in terms of access. It should also be noted that the policy also

requires retention of the southern hedgerow, which would be breached by the alternative access and there is a clear policy intention to retain this southern hedgerow in order to create a natural break between housing sites. This risk to deliverability is relevant as the site plays an important role in the council's housing trajectory and the contributions towards the Linton Crossroads improvements which are both crucial matters in the council's future strategy for the area.

6.22 Notwithstanding the compliance with the policy, the applicant has in any event met with councillors and has investigated this potential access further. However, it is the applicants view that the alternative access is restricted by other site specific matters such as ecology, notably the presence of badger setts along the southern and eastern boundaries and the applicant has also estimated the likely costs of this alternative access which they consider to be potentially prohibitive, for example the works required to enable an access road to be built to the appropriate gradient into Willow Grange and new roundabout on Heath Road, would be in excess of the costs to upgrade Forstal Lane. It is their view this would place financial burdens on the development when it is already providing substantial contributions to infrastructure such as affordable housing, highways, healthcare and open space. That being said, due to the policy position outlined above, there is no reasonable requirement to require applicant to undertake any further work on this matter.

6.23 Concerns have also been raised regarding motorists potentially turning east out of the site and using Well Street. This point has been addressed by KCC Highways who consider a suitable access design can be achieved along with suitable signage which would discourage such travel and this would be secured by planning condition and Section 278 agreement.

6.24 It is noted, part of the criteria of H1-58 as modified (H1-60 Reg 19) requires contributions to improve the crash record at the junction of Stockett Lane and Heath Road. The applicant has provided a highway safety risk assessment for the area and KCC Highways has reviewed this requirement and concur that there is a low to medium safety risk and there are no issues that the development would exacerbate and thus there are no grounds to require such a contribution. The applicant has also submitted a framework Travel Plan which KCC Highways request is secured by legal agreement along with a monitoring fee.

6.25 Therefore, on the basis of access and highway matters it is considered the scheme fully complies with policy H1-58 – as modified, Policy H1 and DM1, DM24 of the emerging plan and Section 3 of the NPPF.

Visual Impact/Landscape Considerations

6.26 The application is supported by a Landscape Visual Impact Assessment (LVIA) which assessed the impact of development from a range of vantage points and this has been reviewed by the MBC Landscape officer who confirms that this study has been undertaken in accordance with best practice guidelines. The site lies within the Coxheath Plateau Farmlands LCA and within the Coxheath Orchards LCA. The report identifies a number of potential receptors to the visual impacts of the development, including users of the local footpath network, users of Forstal Lane and the residential properties on the adjacent estate to the west.

6.27 The MBC Landscape officer has drawn attention to the site assessment of the application site that was undertaken for the local plan process where the Landscape Sensitivity was considered to be low and the overall capacity to accommodate housing was considered to be high. The assessment considered the site to be well related to

Coxheath Village and there to be an opportunity to strengthen the rural village edge with new landscaping. I would concur with such a conclusion as the development abuts the existing village to its western and southern boundaries and any views from the footpath already takes in the existing built form which in its current state, is a relatively harsh visual edge to the village. Whilst the detail of the layout, scale and landscaping of the development is to be reserved for later determination, the size of the site offers the opportunity to create a substantial landscaped area to the eastern part of the site which will create a green wedge running southwards into the Heathfield (Willow Grange) site to the south which is currently under construction. This area will be planted with trees and hedgerows and the indicative masterplan includes planting buffers to the boundaries which will provide further screening to the site and soften views from local receptors. In terms of the impact of the access, the development will require some additional hedgerow to be removed to widen the existing access but whilst this will have some urbanising effect on Forstal Lane, along with the footpath, these impacts were specifically considered to be acceptable at the Local Plan stage (as they form part of the policy criteria).

6.28 Whilst the development of the site will inevitably have some visual effects, the allocation as a Local Plan housing site infers a degree of acceptance of some visual impact on the landscape, and indeed the council's own assessment considers the site is suitable for new housing having regard to its landscape character and lower sensitivity. It is also key that the emerging Local Plan has defined the land as being part of the built up area of Coxheath and will not be within the countryside where policies seeks to strictly prevent harm to the character of the countryside. Instead it will form part of the village. On the basis of the information submitted it is considered the site can accommodate the proposed quantum of development in manner that can preserve the character of its surroundings and manage the transition from the existing urban area to the wider countryside. Thus the development will accord with policies DM1 and SP17 of the emerging plan.

Ecology

6.29 The application is supported by a Phase 1 Ecology survey, Ecological Impact Assessment and a Badger mitigation strategy, all which have been reviewed by KCC Ecology who consider there to be sufficient information submitted to enable a decision to be made and that any impacts can be compensated and mitigated for in accordance with the guidance and policy approach of Paragraph 118 of the NPPF. The ecology phase identified potential for reptiles, badgers, dormice and bats and further surveys have been carried out in respect of these species. One of the surveys identified a pair of ground nesting Skylarks and Linnets on the site and KCC Ecology are content with the extent of land remaining as open space and confirm that there is sufficient space for mitigation and enhancement of habitat for these species.

6.30 Of note is the number of badger setts within the site, with three active setts along the eastern boundary and three setts on the southern boundary, all of which are considered to be occupied by the same family group. Of these, there is a main breeding sett on the site near to the southern boundary which borders the existing housing estate. Whilst the reserved matters scheme could have secured a buffer around the breeding sett as per the relevant guidance, the consultant considered it more preferable to the health of the group to build a new artificial sett within the site, with work starting on this in June 2017. This is located 20m from the eastern boundary, in the area to be secured as open space which will avoid conflict between badgers and the development. The existing sett will remain although during construction it will be temporarily closed off to avoid impacts although the sett will be reopened on completion of construction to allow badgers to reuse the sett if required.

6.31 The development will secure a significant amount of open space which offers opportunities for enhancements including opportunities for significant enhancement and habitat creation across the site. Native landscaping including new tree and hedgerow planting and good pollinating species can be secures as part of the reserved matters stage of the application. It is proposed the legal agreement secures the detail and long term management and enhancement of the site in ecological and landscape terms through a Landscape and Ecology Management Plan which need to be submitted and approved.

Other matters

6.32 The scheme would deliver 40% Affordable Housing as part of the development in accordance with DM13 (DM14 Reg 19) and MBC Housing has advised that the tenure mix should be 70% affordable rent and 30% shared ownership and this will be secured by the legal agreement. The MBC Housing Officer also advised that the need is predominately for smaller units, including 2 and 3 bed dwellings. As this is an outline application, the exact location and mix of house types is to be agreed at the reserved matters stage although it is expected a mix of affordable properties can be secured to meet the local housing needs.

6.33 It is noted KCC Minerals and Waste objected to the scheme on the basis of the site lying within a safeguarding area for Ragstone and that the applicant had not submitted an assessment as to whether extraction of the mineral could be undertaken prior to the development starting. However, since that consultation response, the modifications to the local Plan have identified the sites under Policy H1 which have to undertake such an assessment (modification MM-16). The modification confirms the application site is not one of the H1 sites which are required to undertake such an assessment and therefore the development is not contrary to the relevant policies on this basis.

6.34 The site lies in Flood Zone 1 and thus is at a low risk of flooding. The applicant has also submitted details of how SUDS can be incorporated into the detailed scheme and these have been reviewed by KCC Drainage. This will be secured by an attenuation pond in the open space area which will maintain run-off rates to that of the existing greenfield situation. The reserved matters stage allows further opportunity to integrate SUDS feature within the final layout which can aid drainage and wildlife opportunities. A condition is also recommended to be imposed to require the development to provide a connection to the foul water system at the point of adequate capacity in collaboration with the local provider.

6.35 The application includes a desk top archaeological assessment which considers the site would have low potential for archaeological deposits over all periods. This has been reviewed by KCC Archaeology and they have suggested a planning condition to require some initial field evaluation works to provide further investigation and this is to be secured at this outline stage.

6.36 The Environment Health officer drew attention to the potential for air quality impacts and recommended a condition which calculated air quality impacts and requires a scheme to address any impacts identified through measures to be incorporated into the scheme. A condition in respect of renewable energy and electric charging points are also recommended in order the detailed detail stage secures the optimum sustainable benefits.

6.37 Whilst the design and layout is to be reserved for later determination, it is considered the masterplan shows any future development can maintain the amenity of adjoining

properties with substantial hedgerows and buffer planting and suitable back to back distances achieved. Whilst, there will be some additional vehicles passing properties to Forstal Lane and other roads, this is not considered to be to the extent that would justify the refusal of planning permission.

Heads of Terms

6.38 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

6.39 The regulations also mean that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

6.40 During the application KCC have requested contributions to a range of infrastructure affected by the development and this would be secured by a legal agreement should it be resolved to grant planning permission. These include contributions to Primary Education at South Borough Primary School £3,324 per dwelling (£831 per flat) and £2,359.80 per dwelling (£589.95 per flat) towards secondary education at Maidstone Grammar School. KCC also request further contributions towards Community Learning of £30.70 per dwelling, Libraries at £48.02, Youth Services at £8.49 per dwelling. These contributions are considered to be justified having regard to the impacts of the development in creating additional demands and pressures on local infrastructure and these monies will assist in creating additional provision or enhancing existing facilities in relation to the identified sectors.

6.41 The development will place additional pressure on local health services and local doctors surgeries and therefore the contribution requested by the NHS of £70,761 is considered to be justified and necessary and proportionate to the likely occupation of the site. It is also considered to meet the requirements of the Inspector's main modification MM4 – helping to improve health infrastructure in the village.

6.42 Whilst the applicant is seeking to provide a large area of on-site open space, there will be a requirement to provide off-site contributions to meet the shortfall in the various typology types of open space as required by policy DM22. On this basis, MBC Parks and Leisure department have requested an amount of £880 per dwelling or £184,800 relating to the 210 units. These monies would be spent on the following;

- Whitebeam Drive Play Area – improvements to the surfacing of the play area and access to the site including pathways and gates.

- Teen Facilities – infrastructure to engage teenagers with the open space at Stockett Lane to replace the existing "teen shelter"

- Access to Outdoor Sports and Amenity Green Space (Linden Road) – improvements to pathways, signage and access points to the outdoor space from Linden Road to improve accessibility for the local community

- Car park for Outdoor Sports and Amenity Green (Linden Road) – improve access and visual appearance to encourage greater use of open space

6.43 The legal agreement would also secure the affordable housing and the contribution towards Linton Crossroads Improvement Scheme of £1500 per dwelling which is also considered to be justified on the additional trips the scheme will generate in relation to this existing junction.

6.44 KCC Highways have requested the Travel Plan be secured by legal agreement along with a £5,000 monitoring fee which is considered necessary to secure a modal shift towards sustainable modes of travel.

6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations.

7.0 CONCLUSION

7.1. The application relates to an outline application for the residential development of an emerging housing allocation H1-58 (as modified) within the Local Plan which the council can give very significant weight. Therefore, the matter subject of this application is whether the site is suitable for residential development, whether it could accommodate the proposed quantum of dwellings and whether the means of access is suitable. On all those points, the application is considered acceptable as set out above. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development. Whilst the various concerns over the point of access and congestion are noted, the access point is a specific policy requirement and the levels of local congestion were considered at the local plan stage which considered the level of growth at Coxheath was acceptable subject to the proposed mitigation and improvement works on the local highway network. Therefore, it is considered the site accords with the development plan and other material considerations weigh heavily in favour of the development. Therefore it is recommended outline permission is granted subject to the imposition of the relevant planning conditions and Section 106 agreement.

8.0 RECOMMENDATION

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:

- The provision of 40% affordable residential units within the application site (Tenure mix to be 70 Affordable Rent, 30% Shared Ownership).

- The securing of a LEMP for the management of the Open Space and management of other communal areas within the development.

- Financial contribution of £3324 per dwelling (£831 per flat) for Primary Education and towards permanent expansion to 2FE of South Borough Primary School

- Financial contribution of £2359.80 per dwelling (£589.95) towards Secondary Education and the cost of Phase 2 expansion at Maidstone Grammar School

- Travel Plan and monitoring fee of £5,000

- Financial contribution of £1,500 per dwelling towards the Linton Crossroads Improvements scheme

- Financial contribution of £30.79 is sought towards community learning and the cost of additional portable equipment in Maidstone

- Financial contribution of £48.02 towards libraries to address the demand from the development towards additional bookstock (supplied to Coxheath Library).

- Financial contribution of £70,761 towards Healthcare at Stockett Lane surgery and Orchard.

- Financial contribution of £8.49 per dwelling for Youth Services which will be put towards Coxheath youth workers

- Financial Contribution of £63.56 per dwelling is sought towards Social Care and Trinity Foyer Sensory beds and rockery

- Open Space Contribution of £184,800 (or £880 per unit) is based upon the off-site provision that cannot be provided on site

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

.

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

   1. Scale

   2. Layout

   3. Appearance

   4. Landscaping

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

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

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

2. The reserved matters application relating to landscaping should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife. The landscaping should also include a specification to require the length of the PROW to the east of the site to be upgraded to bounded surface made up of loose materials.

   Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. No development shall take place, including any works of demolition, 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. The Statement shall provide for:

   i. The parking of vehicles of site operatives and visitors
   ii. Loading and unloading of plant and materials
   iii. Wheel washing facilities
   iv. Measures to control the emission of dust and dirt during construction
   v. A scheme for recycling/disposing of waste resulting from demolition and construction works
   vi. Provision of measures to prevent the discharge of surface water onto the highway.

   Reason: In the interest of highways safety.

4. 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.

5. All existing hedges shall be retained, other than the part required to create the approved access, unless removal has been agreed in writing. Such hedgerows shall be protected over the course of the construction of the development and retained thereafter as part of the landscaping scheme to the site

   Reason: in order to maintain existing landscaping and wildlife habitat

6. 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.

7 . The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

8. Development shall not begin 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.

9. 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: In the interests of sustainability.

10. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. A minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

    Reason: In the interests of good design.

12. Details of a "lighting design strategy for biodiversity" for 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

13. Prior to the commencement of development an ecological design and management strategy (EDS) addressing mitigation, 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
    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.

14. The reserved matters application for layout will secure 1.85 hectares of open space which will include childrens play space as part of the final development.

Reason: to ensure compliance with Policy H1-58 (as modified and DM19 (as modified) of the emerging plan to create a good quality area of open space to serve the development

15. 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.9

    -Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
    -The emissions calculated for the pollutants of concern (NOx 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 measures shall then be carried out as part of the 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.

16. 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:

    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.

Reason: To ensure the future development is not at risk from polluntants or contaminants.

17. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

    Reason: To ensure an energy efficient form of development.

18. The development shall be strictly undertaken in relation to the Bagder Mitigation Strategy and the mitigation measures set out in the Ecological Impact Assessment and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

    Reason: To protect the ecological integrity of the site and protected species

19. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

20. The access to the site shall be constructed strictly in accordance with the detail set out on drawing number. BR-514-001-H-SK04- 1 and this shall be completed prior to first occupation the development

    Reason: to ensure a safe means of access is created to the development.

21. No development shall commence on site until a signed S278 Agreement is finalised and ready for signing, covering the following;

    - The alterations to Forstal Lane and Junction with Stockett Lane as set out in the Transport Assessment
    - Any alteration relating to the access to the site with measures to discourage vehicles along Well Street
    - Pedestrian Footpath from site to Mill Road along the southern side of Forstal Lane

The development shall not be occupied until the Section 278 is complete and highways works covered in the agreement as set out have been completed.

Reason: To ensure compliance with Policy H-58 (as modified) and to ensure highway and pedestrian safety.

22. 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.

23. 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

24. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 9001 A Location Plan, Drawing 9600 A Parameters Plan Green Infrastructure 9604 A

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

Case Officer: Ashley Wynn

17/502386 - The Haven
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 17/502386/FULL		
APPLICATION PROPOSAL – Erection of annex/garage with storage/games room above		
ADDRESS – The Haven, Hunton Road, Marden		
RECOMMENDATION - APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION - The proposal is considered to comply with the Development Plan and there are no overriding material considerations to indicate a refusal. The development is considered to preserve the character and appearance of the countryside and would not result in significant residential amenity, flooding or parking issues.		
REASON FOR REFERRAL TO COMMITTEE - The recommendation is contrary to the views of Marden Parish Council who have requested that it is referred to Planning Committee.		
WARD Marden & Yalding	**PARISH/TOWN COUNCIL** Marden	**APPLICANT** Mr Friend **AGENT** Michael Tamsett Architectural Designs
DECISION DUE DATE 06/07/17	**PUBLICITY EXPIRY DATE** 14/07/17	**OFFICER SITE VISIT DATE** 22/05/17

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
92/0813	Demolition of existing dwelling and erection of new four-bedroom detached house	Approved	13/07/92

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 This application relates to a detached dwelling, which is located in the open countryside in the parish of Marden. The dwelling is constructed of brick under a tiled roof, with 2 dormers to the front roof slope. The dwelling is set some distance back from the road, with a low wall and mature trees to the frontage.

2.0 PROPOSAL

2.01 Planning Permission is sought for the erection of an annex/garage building with storage/games room over. The annex accommodation would not be fully self-contained, comprising lounge, bedroom and wet room, with no kitchen facilities. One parking space would be provided within the building.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28, H31, H33

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: "Residential Extensions"
Draft Maidstone Local Plan (2011-2031): SP17, DM1, DM34, DM36, DM37

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: 3 representations received (from 1 property) from local residents raising the following (summarised) issues:

- Land ownership
- multiple occupancy (5 cars in drive) & noise and traffic therefrom
- covenants
- appearance/facilities not appropriate to garage
- another scheme could be more suitable
- parking
- outside original boundary

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 **Marden Parish Council**: Raises objections on the basis of siting, scale, mass and design, detrimental to character of the countryside, out of character, flooding and land ownership.

5.02 **KCC Highways:** no objection.

6.0 APPRAISAL

Main Issue

6.01 The key issue for consideration relates to:

- Visual impact upon the character and appearance of countryside

Main Issue - Visual Impact

6.02 Although the building would have a fairly substantial footprint, its scale has been significantly reduced through pre-application advice and the proposal now, importantly, would utilise a hipped roof to the South side (Road facing) elevation, which would help to reduce its bulk and visual impact. The building would be located fairly close to the house, so would not appear isolated and it would be set a good distance back from the road. Given the hipped design of the roof, the building is considered modest in relation to the existing house and the design of the building would be sympathetic to the existing house. Dormers are in keeping with the character of the site as there are dormers to the front elevation of the house.

6.03 Also, it is considered that, due to the existing landscaping and the alignment of the road, the building would not be prominent in public views. To the East, there is a well

established mature hedge alongside the road providing screening and mature trees to the front of the site and would also restrict views. To the West, the curvature of the road is such that again, views are somewhat limited and in general public views are mainly restricted to short range views which are softened by existing landscaping.

6.04 Although dormers are proposed, these would be to the rear (east), where again, they are not considered prominent and the single-storey eaves height and use of rooflights would ensure that the building retains a single storey appearance to its front (west). It would be of a modest scale in relation to the existing house it is considered and it is concluded that the proposal is in line with the aims of the Supplementary Planning Document "Residential Extensions".

6.05 The site area does include a minor increase in the area of residential land to the Eastern side of the site, as it incorporates a strip of land which was not within the site boundary when the dwelling was permitted in 1992, but has been incorporated into the existing garden of the site. It is estimated to be in the region of 9 m in width. However, this additional area allows for the proposed building to be sited where it is not directly in front of the house, and therefore has a more sympathetic appearance and the land in question is not considered of any important character nor is it of a significant scale. It is land which is located immediately alongside the existing house and private garden area and it is therefore land which is unlikely to be used for agricultural purposes. Fencing to the side boundary is of a post and rail type which is traditional and in keeping with the character of the countryside. The loss of this land to residential use is not, therefore, considered to constitute a significant encroachment of the countryside nor to result in significant harm to its character or appearance to a degree to justify a refusal.

6.06 It is therefore concluded that the scale, design and siting are such that the development would not result in significant harm to the character, appearance or openness of the countryside. It is considered to comply with the aims of policies ENV28 and H33 of the local plan and policies DM1, DM34 and DM36 of the emerging plan.

Other Matters

6.07 Taking other matters in turn, including matters raised in representations, the following comments are made:

Residential amenity – the site is well separated from neighbouring properties such that there are no significant light, outlook or privacy issues;

Flooding – the proposal is for a minor scale of development and the environment agency are therefore not a statutory consultee. The Government does not require a detailed flood risk assessment to be submitted for this type of development, nor is it required to be subject to intense scrutiny. The development does not include fully self-contained facilities and therefore any occupant would have use of the existing house, as the accommodation is dependent upon the kitchen facilities within the house. The floor level is shown to be no lower than the floor level of the house (in fact it is stated to be 50 mm higher) and this is considered sufficient information and flood mitigation for this scale of development. There are therefore no flooding grounds to refuse this minor development upon.

Parking – sufficient parking for a number of vehicles would be retained upon the driveway with an additional space within the garage. This is considered sufficient for this rural location.

Trees – no important trees would be required to be removed as a result of the development.

Ecology – due to the scale of the development and the character of the site, there are no significant ecological issues.

Multiple occupancy – no change of use to a house in multiple occupation has been applied for and such use would therefore require a separate application. The number of cars upon a driveway of 5 is not considered unreasonable for use as a domestic dwelling. As the proposal is simply for ancillary accommodation, with no additional units proposed, there are no significant noise or traffic issues.

Covenants – this is not a material planning consideration.

Pre-application advice – the merits of a different scheme are not relevant, as the proposal which has been applied for is that which must be assessed.

Land ownership – the plans have been amended to remove a section of the site from within the red line which was understood to be outside of the applicant's ownership. A land registry search does not indicate a need for a certificate B based upon the revised site area.

Facilities – it is not uncommon to have ancillary accommodation and a storage/games room within an outbuilding at a dwelling.

7.0 CONCLUSION

7.01 The matters raised in representations have been fully considered. However, taking all of the above into account, the proposal is considered to comply with the Development Plan and there are no overriding material considerations to indicate a refusal. The development is considered to preserve the character and appearance of the countryside and there are no significant residential amenity, parking or flooding issues. Approval is therefore recommended.

8.0 RECOMMENDATION

8.01 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:

A site location plan received on 30/05/17, drawing number 17/1075B received on 14/06/17 and floorplans and elevations only upon drawing number 17/1074A received on 13/06/17;

Reason: To ensure the quality of the development is maintained and to prevent harm to the character and appearance of the countryside.

(3) The bricks and tiles to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

(4) The building hereby permitted shall only be used for purposes ancillary to the use of the main house known as The Haven, shown within the red line upon the site location plan and it shall not be used as a separate independent dwelling;

Reason: Its use as a separate dwelling would be contrary to the Development Plan and would have an unsatisfactory relationship with the existing house.

Case Officer: Louise Welsford

Agenda Item 21

17/503091 - Bart House Nursing Home
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REPORT SUMMARY

REFERENCE NO - 17/503091/FULL		
APPLICATION PROPOSAL - Extension to existing car park to create 10 new car parking spaces.		
ADDRESS Barty House Nursing Home Roundwell Bearsted Maidstone Kent ME14 4HN		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Springett wishes to see application reported to Planning Committee if minded to recommend approval of application - Bearsted Parish Council wish to see the application refused and reported to Planning Committee		
WARD Bearsted	**PARISH COUNCIL** Bearsted	**APPLICANT** Barty House **AGENT** TaDPlanning Ltd
DECISION DUE DATE	**PUBLICITY EXPIRY DATE** 21/07/17	**OFFICER SITE VISIT DATE** 21/07/17
RELEVANT PLANNING HISTORY:		

- Numerous planning applications and listed building consents to extend and refurbish Barty House Nursing Home have been approved, including MA/05/1175 (extension for 25 rooms); and MA/13/0735 (18 rooms and parking).

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 Barty House Nursing Home, with access from Roundwell, is located at the eastern end of Bearsted. The original building is Grade II listed; public footpath KH131 runs along the north-western boundary of the site, and there is vehicle access also along this track to other properties and land; and a group of trees in the north-eastern corner of the site are protected under Tree Preservation Order no. 15 of 2017. For the purposes of both the 2000 Local Plan, the entire proposal site is within the countryside that falls within a Special Landscape Area; and for the purposes of both the submitted version of the Local Plan, the proposal site is within the countryside.

2.0 PROPOSAL

2.01 The proposal is for the extension of the existing car park at the nursing home, to provide an additional 10 spaces. The excavation work will take place at the north-eastern end of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted Local Plan (2011-2031): SP17, SP18, DM1, DM3, DM4, DM34, DM41

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: No representations received.

5.0 CONSULTATIONS

5.01 **Councillor Springett:** If minded to approve application, then application should be referred to planning committee for following reasons;

> *"The red line around the site does not follow the correct site boundary to the north east yet the site cross sections show the car park extending almost up to this red line, and therefore encroaching into open countryside. Therefore, this application should be refused as it will be an encroachment into open countryside.*
>
> *Open countryside should not be built on- especially for a car park when alternative parking is available. As I understand it the urban boundary runs along the existing property boundary which means land outside of that is open countryside. Permission for a house to the east of the Barty House boundary was refused several years ago as it was in open countryside. There is no justification for the car park to extend into open countryside and the application should be refused on that basis. If approved, it would set a dangerous precedent for future expansion further into the field.''*

5.02 **Bearsted Parish Council:** Wish to see application refused and reported to Planning Committee;

> *"Decision was based on ownership/territorial concerns; Bearsted PC would like to query boundary line detailed on application with MBC. Additionally, concerns were voiced regarding lack of arboricultural report."*

5.03 **Landscape Officer:** Raises no objection subject to conditions.

5.04 **Conservation Officer:** Raises no objection.

6.0 APPRAISAL

Relevant policy/guidance

6.01 The proposal is under the normal constraints of countryside development under saved policies ENV6, ENV28 and ENV34 of the 2000 Local Plan and emerging policies SP17 (amended in Main Mods) and DM34 (amended in Main Mods and now DM30) of the submitted version of the Local Plan. Emerging policies SP18 and DM4 (both new policies in Main Mods) also seeks to protect the historic environment; emerging policy DM3 (amended in Main Mods) seeks to protect the natural environment; and emerging policy DM41 (amended in Main Mods and now DM37) allows for the expansion of existing businesses in rural areas provided there are no significant adverse impact on the rural environment. 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.

Design, siting and appearance

6.02 The proposal is considered to be a modest extension of an existing car park that would see an area of hardstanding extend north-eastwards by some 12m. Given the nature of the proposal and the excavation of land, this new hardsurfacing would remain set down and largely screened when viewed from the adjacent public footpath along the north-western boundary of the site; and appropriate replacement planting would provide better screening of the site from the north-eastern boundary when compared to what is currently there. Indeed, the current boundary planting here is sparse and currently allows views into the site.

6.03 Despite the application lacking arboricultural information, the Landscape Officer confirms that the direct tree losses necessary to accommodate the proposal are all C grade, small to medium sized trees, with the exception of a medium sized (about 9m height) B graded Lime tree. The Landscape Officer is of the view that the loss of these trees is not sufficient to warrant refusal of the application, subject to appropriate replacement planting being secured by condition (which in this case would be of a native hedge with standard native tree planting along the north-eastern boundary). However, in the absence of a plan showing the scheme in relation to the root protection areas of the trees shown to be retained, the Landscape Officer cannot comment on the likely impact of the scheme on those trees and whether they can be successfully retained as shown. Indeed, the plotted canopies suggest that the excavation and level changes for the proposed ramp will conflict with the root protection area of at least one of the retained trees. As such, whilst no objection is raised to the proposal, an Arboricultural Method Statement (giving details of ground works around the RPA of those trees to be retained) is recommended to be secured by way of condition to ensure the retention of these trees.

6.04 The proposal would be at the north-eastern end of the site; it would be a modest addition to an existing car park area; and it would be read in context with the more modern buildings on the site. The proposal would not therefore have an adverse impact upon the setting of the Grade II listed Bart House.

6.05 Subject to the conditions recommended, I am therefore satisfied that the proposal would not have an adverse impact upon the character and appearance of the surrounding countryside hereabouts, but would be a development very much read in the context of the existing development on this site.

Other considerations

6.06 Given the existing use of the site and the separation distance of the proposal from any neighbouring property, no objection is raised to this development in terms of residential amenity and highway safety. Given the modest scale of the proposal, I also do not consider it necessary to request any further details to justify the need 10 additional parking spaces.

6.07 The comments raised by Councillor Springett and Bearsted Parish Council have been considered in making this recommendation. I would also add that provided the correct ownership certificates are served, there is no material planning reason to refuse an application because the land is in different ownership; and to clarify, Barty House Nursing Home is within the countryside. Furthermore, each application must be considered on its own merits under current policy/guidance and does not set precedent.

7.0 CONCLUSION

7.01 It is considered that the proposal is acceptable with regard to the relevant provisions of the Local Plans, the NPPF and all other material considerations such as are relevant. I therefore recommend refusal of this basis.

8.0 RECOMMENDATION – APPROVE:

(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 shall not commence 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 shall include a minimum of 4m depth of new planting along the north-eastern boundary of the site that shall include;

- Mixed native species hedgerow (double staggered row at 45cm spacings with 30cm between rows and minimum 45-60cm bare root stock at planting) along the north-eastern boundary of the site, consisting of 65% Hawthorn and 35% consisting of species Field Maple, Guelder Rose, Hazel, Sallow, Spindle and Sweet Gale;

- Replacement trees (such as Field Maple, Oak, Beech, Larch, Scots Pine) of at least Nursery Select Standard size at planting (10-12cm girth, 3-3.6m height) planted within the native hedge along the north-eastern boundary of the site;

- Native shrub mix (double staggered row at 1.5m spacings with 1.5m between rows and minimum 45-60cm bare root stock at planting) consisting of species such as Field Maple, Guelder Rose, Hazel, Blackthorn, Dogwood, Spindle and Sweet Gale.

The landscaping scheme shall also include a mixed native species hedgerow (as above) along north-western boundary of the site, to fill in the gap between the existing planting and the new planting.

Reason: To mitigate the loss of the trees being removed and to ensure a satisfactory appearance to the development.

(3) 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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory appearance of the development.

(4) Prior to the commencement of any works/development on site, an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details of ground works around the RPA of those trees to be retained and tree protection details, 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 unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the future of the retained trees.

(5) The development hereby permitted shall be carried out in accordance with the following approved plans: 2527 04 F; 05 F; 06 E; and 14 C;

Reason: In the interest of visual amenity and to prevent harm to the residential amenity of neighbouring occupiers.

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.

THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5010/2017/TPO

19 St Luke's Avenue, Maidstone, Kent, ME14 5AN

MAIDSTONE Borough Council

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Maidstone Borough Council
PLANNING COMMITTEE

REPORT BY THE HEAD OF PLANNING SERVICES

The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5010/2017/TPO

19 St Luke's Avenue, Maidstone, Kent, ME14 5AN

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5010/2017/TPO for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

16/508601/FULL Land Rear Of 20 St Luke's Avenue Maidstone Kent ME14 5AN
Demolition of existing garages and erection of a 3 bedroom detached dwelling house
Application Refused Fri 24 Mar 2017

SUMMARY TPO INFORMATION

TPO Served (Date): 14 March 2017	**TPO Expiry Date** 14 September 2017
Served on: Tree owner - 19 St Luke's Avenue Adjacent properties – 20 St Luke's Avenue, 48 St Luke's Rd Owner and agent for adjacent site subject to planning application 16/508601/FULL	

OBJECTIONS AND CONSULTATIONS

Three objections to the making of the TPO were received from interested parties of the adjacent garage plot, along with two representations in support of the TPO from the tree owner and a neighbour. The representations are summarised below:

<u>Summary of Objections to the making of the TPO</u>

It is not a tree of significant interest (e.g. rare/cultural/historic).

There would be no impact on local environment or amenity if it were to be removed.

The tree has a detrimental impact on adjacent land as it is positioned inappropriately close (25cm away) to the boundary of 19 St Luke's Avenue and the canopy causes significant shade to surrounding properties.

No trees along St Luke's Road or Avenue are preserved and some have been removed due to impact of root systems on foundations (which are not significant on houses in the area built c.1900).

It is not in keeping with other trees in the area; it is a carbuncle on the landscape.

The TPO was made to thwart the planning process for application 16/508601/FULL. A previously refused planning application in 2015 was not refused on arboricultural grounds and a TPO not mentioned at that time. 16/508601/FULL was submitted to address previous objections, conducted in consultation with MBC and a TPO was not mentioned during discussions

A TPO should not be imposed whilst a planning application is under active consideration.

The species is best suited to parks, large gardens and woodlands with a disposition for broad crowns.

It is semi-mature (i.e. continuing to increase in size) and already causing problems with neighbouring properties. Leaves and seeds are blown into neighbouring properties. It causes loss of daylight and sunlight, leading to difficulty growing plants and lawns, also due to competition for water and nutrients. Damp results from long periods of shading.

The tree is a significant nuisance that affects all surrounding properties, not just the garage site.

The tree was planted after the house at 19 St Luke's Avenue was built.

The tree has an unmaintained gross canopy causing heavy shading to the south end of the garage plot, with no redress to mitigate the negative effects.

The amenity value of the tree must be considered low; it is a common native tree not suited to an urban garden and there is nothing unique about this individual specimen.

Only the upper trunk and crown are of limited visibility to the general public from the highway and only accessible to the property owner.

The expedient case appears based on speculative future assumptions for limited public amenity value with ongoing detriment to the local environment of the adjacent garage plot.

The tree was used inappropriately by the Council and neighbours to as reason to refuse the planning application.

<u>Summary of Representations in Support of the TPO</u>

The tree is magnificent and contributes greatly to the local street scene and the general amenity for those living near it.

Although the tree sheds plenty of leaves and debris each year, it provides shelter from the prevailing wind.

A tree surgeon was recently instructed to cut back the Beech and other trees overhanging the site who said that if he had cut the Beech as instructed, he'd kill it.

The tree provides a natural habitat for wildlife and is an amenity and a benefit to the local landscape.

APPRAISAL

The tree is a large semi-mature Beech, situated in the rear garden of 19 St Luke's Avenue. It is generally in good health and condition. It is set back from St Luke's Road but the crown is visible from public viewpoints on the road.

The tree was made the subject of a Tree Preservation Order in response to the proposal 16/508601/FULL, to demolish the existing garage block between 20 St Luke's Avenue and 48 St Luke's Road and to replace it with a 3 bedroom detached house.

The tree was assessed along with other trees potentially affected by the proposed development by the Landscape Officer in response to a consultation request on the planning application. It was clearly visible from public viewpoints and considered to make a contribution to local landscape character and amenity, particularly visual amenity in an area of the town with few mature trees.

A TEMPO (Tree Evaluation Method for Preservation Orders) was therefore carried out to assess the tree's suitability for protection by a TPO. This takes into account factors such as the tree's condition, retention span, size, public visibility and the level of threat to the tree and enables a score to inform decisions. The result of this assessment was that the tree merits a TPO.

The presence of the tree had implications on the proposed dwelling, as it overhangs the plot significantly and would dominate the rear garden space. Some pruning was proposed to alleviate this effect, but it was not considered that this would fully resolve the problems that future occupiers would experience, principally shading to the garden and the rear of the house, particularly as the tree is to the south of the plot. It was therefore considered that future occupiers would subsequently want to cut back the tree further than the pruning initially proposed i.e. to the boundary, and that there would be pressure on the owner to reduce or remove the tree. The planning application was therefore not supported on arboricultural grounds.

Without TPO protection, under common law rights, adjoining landowners would be able to cut back the tree to the boundary without needing the permission of the tree owner,. If this was done from the garage plot, it would result in a significantly unbalanced crown and leave inadvisably large pruning wounds that could result in structurally significant decay, reducing the safe useful life expectancy of the tree. Such action would also reduce the tree's contribution to amenity.

As the planning proposal was not supported on arboricultural grounds and was a potential reason for refusal of the application, it was considered expedient to make the tree the subject of a TPO as, if the application was refused, inappropriate pruning may have been carried out to address a reason for refusal. Had the application been permitted, it was considered that a TPO was necessary in order to have a measure of control over pruning by future occupiers.

The issue for decision is whether the provisional Tree Preservation Order should be made permanent by confirming it. The decision is unrelated to the planning proposal in so far as neither the proposal itself, nor the potential of the garage plot for redevelopment in general are under

consideration. However, the consideration of the garage plot for redevelopment as residential use is the principal reason for considering it expedient to protect the tree.

The remaining consideration is therefore whether the tree merits ongoing protection on amenity grounds. No evidence of poor health or condition has been noted to suggest that it has a limited safe useful life expectancy. It is an average specimen and being set back in the site, is not particularly prominent. However, it is clearly visible to the public and makes a contribution to amenity in this part of the town centre, an area with few mature trees. It has the potential to continue to make that contribution for many years, based on its current condition. The TEMPO assessment suggests that it merits a TPO. It is considered that pruning to boundaries or the removal of the tree would be detrimental to local landscape quality and amenity.

On balance, the officer recommendation is to confirm the TPO without modification.

RECOMMENDED

Confirm Tree Preservation Order No.5010/2017/TPO without modification

Contact Officer: Nick Gallavin

Head of Planning Services

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 7/9/17

APPEAL DECISIONS:

1. 16/504201

Outline application for residential development comprising 33 dwellings and a new building for employment use, all matters reserved except access, the widening of George Street and the layout (masterplan).

APPEAL: Dismissed

The Grange
George Street
Staplehurst
TN12 0RA

(Delegated)

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2. 15/503884

1Use of the land to provide a solar farm and its enclosure by fencing; with the erection of solar panels, along with the provision of associated transformers, switch gear housing and a substation.

APPEAL: Dismissed

Land At Pullen Farm
Staplehurst Road
Frittenden
Kent

(Committee)