

Mr & Mrs Sunnuck & Mrs Foster-Crouch  
C/O Dha Planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME143EN



1 December 2015

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Mr &amp; Mrs Sunnuck &amp; Mrs Foster-Crouch</b>
<b>DEVELOPMENT TYPE:</b>	<b>Small Major Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>13/2079</b>
<b>PROPOSAL:</b>	<b>Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.</b>
<b>ADDRESS:</b>	<b>Land South West Of, Oakapple Lane, Maidstone, Kent</b>

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The Council hereby **GRANTS** OUTLINE planning permission subject to the following Condition(s):

- (1) The development shall not commence until approval of the following reserved matters has been obtained, in writing, from the Local Planning Authority:
  - A. Layout
  - b. Scale
  - c. Appearance
  - d. Landscaping
  - e. Access

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. Such details shall be based on a masterplan which shall show a density of no more than 25 dwellings per hectare in the southern half of the site.

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.

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**MKPS – Working in Partnership with:** Maidstone Borough Council

**Please Note:** All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Tel: 01622 602736 email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)

Access planning services online at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk); or submit an application via [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

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 details submitted in pursuance to condition 1 shall not show Oakapple Lane as a primary access which shall only be used for access purposes by pedestrians, cyclists and emergency vehicles;

Reason: In the interest of pedestrian and highway safety and amenity.

- (3) The development shall not commence until, written details and samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved, in writing, by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development

- (4) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details before the occupation of the buildings hereby permitted and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (5) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter;

Reason: In the interests of amenity.

- (6) An Arboricultural Implications Assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction - recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal.

Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained;

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

- (7) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, using indigenous species and a programme for the approved scheme's implementation and long term management.

The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

- (8) 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 a 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.

- (9) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development for its permitted use. The landscape and ecological management plan shall include measures to protect and enhance the sylvan and rural character of the north western extent of Oakapple Lane. The landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To ensure satisfactory maintenance and management of the landscaped areas.

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

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

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

Reason: To prevent light pollution in the interests of the character and amenity of the area.

- (12) The development shall not commence until details of foul and surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water. The submitted details shall incorporate, inter alia,

wildlife friendly drainage gullies and design features. The approved details and off site works shall be implemented in full prior to the first occupation of the development;

Reason: In the interests of pollution and flood prevention.

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

Reason: To protect vulnerable groundwater resources.

- (14) Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved, in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on and off site.

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

Reason: To prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site.

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

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

- (16) The commitments explicitly stated in the Sustainable Travel Plan (included in the Transport Statement) shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first residential occupation of the development hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Sustainable Travel Plan are being undertaken at any given time;

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity.

- (17) 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 shall be submitted to and approved, in writing by, the Local Planning Authority;

Reason: In the interests of amenity.

- (18) No development shall take place until details of the proposed dormice mitigation has been submitted to, and approved in writing by, the Local Planning Authority. Mitigation will be carried out in accordance with the approved details, and include utilisation of planting and other landscape features within the proposed open space to deter access by cats and other domestic pets into the ancient woodland.

Reason: To ensure that adequate mitigation for dormice is provided on site.

- (19) If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved 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 prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable;

Reason: In the interests of biodiversity protection.

- (20) No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained;

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (21) The development shall be designed taking into account the Noise and Vibration Assessment carried out by Grant Acoustics, dated October 2013, and shall fulfil the recommendations specified in the report;

Reason: In the interests of residential amenity.

- (22) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme to show how the Oakapple Lane emergency access will be restricted to emergency vehicles only and cyclist/pedestrians. The approved details shall be implemented in full prior to the first occupation of the development;

Reason: To ensure a satisfactory appearance to the development

- (23) The development shall be carried out to allow for the provision of the installation of fixed telecommunication infrastructure (including high speed fibre optic [minimum speed of 100mb] connections) to all dwellings hereby permitted;

Reason: to prevent visual harm and allow delivery of high quality communications networks within communities.

Informative(s):

- (1) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21, 2SW (0330 3030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- (2) Attention is drawn to Sections 60 and 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advise to contact the Environmental Health Manager regarding noise requirements.
- (3) The Council wishes to see no burning on site.
- (4) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (5) Vehicles may only arrive, depart, be loaded or unloaded within the general site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (6) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (7) 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.
- (8) Recommend that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

- (9) All nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), as we recommend that all suitable habitat is removed outside of the breeding bird season (March - August inclusive). If that is not possible there is a need for an ecologist to examine the site prior to works starting and if any breeding birds are recorded all works in that area must cease until all the young have fledged.
- (10) The granting of planning permission confers on the developer no other permission or consent or rights to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- (11) The developer should provide evidence that the development conforms with Approved Document E Building Regulations 2003 "Resistance to the Passage of sound to the Local Planning Authority.
- (12) 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.
- (13) The Bat Conservation Trusts Bats and Lighting in the UK guidance is adhered to in the lighting design.
- (14) There is likely to be a need for a European Protected Species Mitigation Licence in relation to the potential presence of dormice within the application site.
- (15) Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at [suds@kent.gov.uk](mailto:suds@kent.gov.uk) .
- (16) The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles.
- (17) The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles.

Please note you must comply with all the conditions attached to this permission. Otherwise the permission may not be valid and any development may be unauthorised.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by offering a pre-application advice and duty desk service, where possible, suggesting solutions to secure a successful outcome as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance this application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

*R. L. Jarman*

**Rob Jarman**  
**Head of Planning Services**  
**Maidstone Borough Council**

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**



## NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990.

**Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.