

## REPORT SUMMARY

<b>REFERENCE NO - 17/504314/OUT</b>			
<b>APPLICATION PROPOSAL</b> Outline application (with all matters reserved) for erection of 10 dwellings (fronting Aspian Drive) comprising two detached and four pairs of semi detached homes of two storey design with associated access, parking and landscaping. (Resubmission of 16/507895/OUT)			
<b>ADDRESS</b> Land Rear of 161 Heath Road Coxheath Kent ME17 4PA			
<b>RECOMMENDATION - GRANT</b> subject to the planning conditions set out in Section 8.0 of the report			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The site although being defined as countryside, does not form part of the open countryside and is land locked by existing or proposed residential development and it is not considered that the development would harm the intrinsic character of the countryside which policy and the NPPF seek to protect. It is not considered that the development of the site can be resisted in principle and the applicants have reduced the proposed quantum of development compared to the earlier refused scheme, to on balance an acceptable level which would be appropriate for the context of the site. The proposed development would not cause significant harm to neighbouring amenity and would allow for appropriate mitigation regarding landscaping, ecological matters and suitably addresses highways and parking matters and all other matters can suitably be addressed through appropriate conditions and the reserved matters submission.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The application has been advertised as a departure and relates to a major development within land defined as countryside.  The recommendation is contrary to views of the Parish Council (although not explicitly requested to be presented to Planning Committee for this reason)			
<b>WARD</b> Coxheath and Hunton	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Brookworth Homes Limited <b>AGENT</b> Robinson Escott Planning	
<b>DECISION DUE DATE</b> 02/03/2018	<b>PUBLICITY EXPIRY DATE</b> 03/11/17	<b>OFFICER SITE VISIT DATE</b> 16/10/17	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/507895/OUT	Outline application (with all matters reserved) for erection of 14 dwellings on land fronting Aspian Drive with associated access, parking and landscaping.	Refused	5/5/17
(1)The proposed development to provide 14 dwellings would result in a cramped and overdeveloped scheme by reason of the loss or future pressure on boundary trees and landscaping and limited scope for replacement or enhancement, a development dominated by hardsurfacing and parking and a form of development which would be uncharacteristic to the surrounding area contrary to the National Planning Policy Framework 2012, National Planning			

Practice Guidance 2012 ), Policies ENV6 and ENV28 of the Maidstone Borough Wide Local Plan 2000, Policies SP11, SP13, SP17, DM1, DM3, DM12 and DM34 of the Maidstone Borough Local Plan May 2016 (submitted version)

(2)The proposed development to provide 14 dwellings would be likely to cause harm to the future occupiers of the dwellings to the north of the site, as approved under application 14/0836 and the future occupiers of the proposed development by reason of causing significant harm through overlooking and loss of privacy contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2012 ), Policy DM1 of the Maidstone Borough Local Plan May 2016 (submitted version)

(3)In the absence of appropriate legal mechanism to secure the delivery of affordable housing, and to mitigate the additional impact on local community facilities in respect of education, libraries, open space and healthcare provision the development would fail to contribute to meeting local need for affordable housing and would be detrimental to existing local social infrastructure and therefore would be contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), Open Space DPD (2006), Policies DM13, DM22 and DM23 of the Maidstone Borough Local Plan May 2016 (submitted version), Policy SP20 of the Maidstone Borough Local Plan Proposed Main Modifications dated March 2017 and central government planning policy as set out in the National Planning Policy Framework 2012 and National Planning Practice Guidance 2012

Current appeal.

80/1400	Outline application for erection of 3 pairs of semi-detached houses (6 houses) - Refused	Refused	9/10/80
79/2128	Outline application for three pairs of semi detached houses – Refused	Refused	8/2/80
Site to the north/east			
14/0836	Erection of 110 dwellings with creation of a new access and landscaping - Permitted	Permitted	18/9/15
Land to the south			
17/503285	Erection of four dwellings with parking provision and highways access.	Permitted	27/10/17

## MAIN REPORT

The application was withdrawn from the 30<sup>th</sup> November 2017 Committee agenda to seek clarification regarding the ownership of a strip of land separating the application site from the back edge of the highway. The owner of this strip of land has now been identified and the submitted plans have been amended to include this strip of land and notice has been served on the owner of the land.

### 1.0 DESCRIPTION OF SITE

1.01 The application site relates to a parcel of land to the rear of 161 Heath Road in Coxheath. The land in part forms rear gardens to the properties fronting Heath Road and the remainder is a small parcel of agricultural land totalling approximately 0.30 hectares. The land centrally has been cleared of previously coppiced woodland, with some tree and hedge planting remain around the perimeter of the site. There is currently no formal access into the site. The northern and eastern boundaries adjoin land recently granted planning permission for 110 new dwellings and the western boundary adjoins the cul-de-sac of Aspian Drive.

- 1.02 The site is outside the defined village boundary for Coxheath with the boundary wrapping around the site in the adopted plan. As such the site is defined as being within the countryside, albeit the site is enclosed along all boundaries by existing residential development and/or that currently under construction.

## **2.0 PROPOSAL**

- 2.01 The application seeks outline consent for the erection of 10 dwellings with all matters reserved.

The indicative information submitted shows the following :

- Access from Aspian Drive to the west of the site, with two entrances, one to the north and one to the south
- 4no. pairs of semi-detached properties
- 2no. detached dwellings
- Rear gardens to the north and south of the site
- Individual tandem parking
- 2-storey dwellings with a mix of hipped/gabled dwellings. Brick built and tile hanging
- Hedge buffer planting along the western frontage (fronting Aspian Drive)
- Tree planting along the north and southern boundaries.

The site area measures approximately 0.3hectares and the provision of 10 dwellings would result in a density of approximately 30 dwellings/hectare.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan October 2017 : Policies SP11, SP13, SP17, SP19, SP20, DM1, DM3, DM8, DM12, DM19, DM20, DM23 and DM30

## **4.0 LOCAL REPRESENTATIONS**

### **4.01 Coxheath Parish Council**

Object to the application In summary, for the following reasons :

- The proposed development is still an overdevelopment of the countryside and the style and density of housing is out of keeping with the surrounding are
- The site is not included in the Maidstone Local Plan;
- The site has historically been the habitat of bats and badgers;
- The proposed development would have a detrimental effect on traffic movement and parking in a narrow and quiet cul-de-sac, thereby adversely affecting the residential amenity of neighbouring properties;
- Other sites in the vicinity have been refused for the reasons, particularly at (1) above;
- Local intelligence indicates that asbestos is present on parts of the site;
- We are led to believe that recent changes to planning policy have reduced the level of building at which affordable housing has to be included on a site. This does not seem to be addressed.

4.02 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 14 objections have been received in response to the consultation which are summarised as follows:

- Increase traffic and noise
- Loss of trees
- Loss of outlook and privacy
- Parking problems
- Impact on ecology
- No more houses are needed
- Noise, dust and aggravation of building at Countryside site, don't want this to persist
- Loss of green space
- Outside local plan and neighbourhood plan
- Pressure on infrastructure
- No surface water drainage strategy

## **5.0 CONSULTATIONS**

- 5.01 KCC Drainage : No objection subject to condition
- 5.02 Kent Police : Advise regarding designing out crime
- 5.03 UK Power Networks : No objection
- 5.04 NHS : No contributions sought
- 5.05 Natural England : No comments
- 5.06 Southern Water : Foul sewer crosses the site. Advice regarding diversion and suggested informative.
- 5.07 Parks and Open Space Officer : Request for contribution of £15 750 towards Whitebeam Drive play area.
- 5.08 Environmental Health Officer : No objection subject to conditions and informatives.
- 5.09 KCC Archaeology : No objection subject to condition
- 5.10 KCC Ecology (comments received on previous application) : We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. We advise that a condition is attached to any granted planning permission to provide net gains for biodiversity. Planning informatives should be attached for the protection of breeding birds and removal of invasive species.
- 5.11 KCC Highways : Raises a number of points relating to type of application, access, parking, sustainable transport and refuse strategy. (these matters are addressed further within the report below)

## **6.0 APPRAISAL**

### **Main issues**

- 6.01 The key issues for consideration relate to:

- **Principle of development**
- **Sustainability**
- **Residential amenity**
- **Highways**
- **Ecology and tree matters**

### **Principle of Development**

- 6.02 The application site is outside any defined settlement boundary and as such is within the countryside as defined in the local plan. Policy SP17 of the local plan makes it clear that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and do they will not result in harm to the character and appearance of the area. Recent approvals for new surrounding residential development have altered the character of the area and the site no longer forms part of the open countryside but is enclosed by housing along all boundaries. A recent resolution by this Committee to approve development of 4 new dwellings to the south of the site (within existing residential curtilages) further encroaches into this small area of undeveloped land.
- 6.03 Policy SP17 and other policies within the adopted policy and guidance do not readily support residential development in the countryside, but at the heart of the NPPF is the presumption in favour of sustainable development and the sites contribution to windfall sites within the Borough is also a factor in favour of the development. This is discussed in further detail below, together with other material planning considerations.

### **Sustainability**

- 6.04 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise.

#### *Economic role*

- 6.05 The proposal is for a housing scheme of 10no dwellings. If granted the development would create jobs during the construction phase and therefore could be considered to have minor impact on the local economy and provide increased population to sustain the facilities that Coxheath has to offer.

#### *Social role and Environmental role (including impact on visual amenity of the street scene)*

- 6.06 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.07 The environmental role as set out in the NPPF states that the planning system should '*contribute to protecting and enhancing our natural, built and historic environment.*' With overlap to the social role above.

- 6.08 The Council can demonstrate a 5YHLS, as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plans support such proposals.
- 6.09 The site is clearly outside the settlement boundary within the adopted local plan, with the boundary lying to the western boundary of the site. However due to the allocated land to the north and east (which is currently undergoing construction for 110 dwellings), the settlement boundary now extends around the entire perimeter of the site, excluding the application site and numbers 161-165 Heath Road from within the defined boundary.
- 6.10 Following completion of the neighbouring development the site will become completely enclosed by residential development and although the site does presently have some localised amenity value in that it represents an area of undeveloped land within the wider development, it is difficult to argue that the site represents countryside characteristics and in this case it is considered that policies relating to countryside restraint carry limited weight for the consideration of whether or not the principle of development on the site would be acceptable. The considerations of impact on the character and appearance and quality of the environment do however carry weight to consideration of whether the development would be acceptable or not.
- 6.11 The social role, however also requires the creation of a high quality built environment. Policy SP17 of the adopted local plan sets out the criteria for assessing development within the countryside which includes, the type, siting, materials and design, mass and scale of the development and level of activity maintains or where possible enhancing local distinctiveness.
- 6.12 Policy DM30 of the local plan sets out that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*
- 6.13 Policy DM12 of the local plan sets out :
- 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'*
- 3. At sites within or adjacent to the rural service centres and larger villages as defined under policies SP5-10 and SP11-16 respectively new residential development will be expected to achieve a net density of 30 dwellings per hectare.'*
- 6.14 Policy DM1 of the emerging plan sets out amongst other criteria :
- 'Respond positively to and where possible enhance, the local....character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'*
- 6.15 The application is only in outline with all matters reserved. As such the layout, scale and appearance of the proposed dwellings are all reserved for future consideration. The application is however accompanied by an indicative layout which seeks to demonstrate that 10 dwellings could be satisfactorily accommodated onto the site.

The submitted plan shows two access points from the Aspian Drive frontage, this would lead to half the houses each and their respective parking areas.

6.16 The indicative layout shows some planting along the Aspian Road frontage, with some tree planting along the boundaries. The indicative layout also shows the landscaping associated with the neighbouring countryside development. The indicative layout indicates the removal of the existing tree/hedge planting along the western boundary fronting Aspian Road (which were shown to be retained on the earlier refused application) and the retention of the hedge along the northern and eastern boundaries. This hedging is currently formed of Holly, Hawthorn and Hazel.

6.17 The retention of boundary planting is important to retaining the character of the site and mitigating the loss of this former coppiced woodland area. Point (v) of DM1 sets out that development should :

*'Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;'*

6.18 The removal of the planting along the Aspian Drive is considered as a negative to the proposed scheme and the indicative layout does not allow sufficient space along the Aspian Drive frontage to provide significant or meaningful replacement planting.

6.19 However the proposal would result in a density of approximately 30 dwellings per hectare, thus in accordance with the 30 dwellings set out in policy DM12. As all matters are reserved the layout is not fixed and there is the opportunity to add conditions which could provide parameters for the reserved matters application which could include the retention or meaningful replacement of the planting along the Aspian Drive frontage. There is opportunity for the footprint of the proposed dwellings to be reduced thus enabling a greater buffer along the western boundary.

6.20 The only matter for consideration under this submission is the principle of the development of the site for 10 dwellings and notwithstanding concerns regarding the indicative layout it is considered that on balance the site could accommodate the quantum of development proposed and would not be out of character with the surrounding area.

Residential amenity (future and existing occupiers)

6.21 Paragraph 17 of the NPPF sets out the core planning principles which includes :

*'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

6.22 Policy DM1 of the emerging local plan sets out at para iv that proposals shall :

*'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built*

*form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.'*

- 6.23 The application is submitted in outline with all matters reserved, this said the indicative plan provides an indication of how layout could be achieved to provide 10 dwellings on the site.
- 6.24 To the south and west of the site it is considered that a suitable level of separation exists that no significant harm to neighbouring amenity of existing occupiers would result.
- 6.25 To the east of the site the dwellings currently under construction have flank walls facing the application site. Although the indicative layout shows flank walls associated with the application site in close proximity to the boundary, it is considered that any new opening could be restricted and the wall would not be overly overbearing or overshadowing to the future occupiers of the neighbouring occupiers.
- 6.26 To the north there are two principle new buildings being built in close proximity to the boundary, these being a two-storey apartment block and a flat over a garage (FOG). These would both have windows facing towards the application site. These windows principally serve bedrooms in the apartment block and a living/dining/kitchen in the FOG (this room is dual aspect with an additional window facing northwards). The earlier application for 14 dwellings was refused on the grounds that there would be harm to these dwellings. The indicative layout however now shows a greater level of separation and due to the reduced quantum of development proposed it is considered that the development of 10 dwellings could be accommodated without significant harm to the neighbouring residential amenity of these occupiers.
- 6.27 It is considered that a development of 10 dwellings would not harm the residential amenity of neighbouring dwellings.

#### Trees and landscaping

- 6.28 There are no protected trees on the site and the site has been substantially cleared of the former coppice woodland trees. The trees along the boundaries have predominantly been retained (although currently proposed to be removed as part of the indicative layout). It is unfortunate that the site has been cleared, however the trees were not protected and as such was an area of unmanaged woodland.
- 6.29 The application is accompanied by a tree survey which the contents of are considered and representative of the current site. As described above the existing hedge along the northern boundary would be retained and is shown to be re-enforced, together with the retention of the hedge along the eastern boundary and proposed new planting to the south.
- 6.30 As described above the loss of the planting along the western boundary (fronting Aspian Drive) is considered unacceptable, especially in the absence of any meaningful replacement. However as concluded above as matters of layout and landscaping are reserved there remains opportunity to either retain or replace this frontage planting through the reserved matters scheme.
- 6.31 As such it is considered the proposed development for 10 dwellings would secure the necessary mitigation through a robust landscaping scheme and the future pressure on any retained existing trees would not be significant such that the proposed quantum of development proposed is considered acceptable.

### Highways and parking

- 6.32 The proposal to provide 10 dwellings would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on grounds of highways implications.
- 6.33 The Highways officer has raised queries regarding whether the application is truly outline or there are some matters for consideration. It is clear by way of description that all matters are reserved. In terms of the potential access consideration, two points of access are currently shown on the indicative layout and the single point of access was considered on the earlier application as acceptable by the Highways Officer. If the two points of access were carried forward to reserved matters stage these are considered a suitable distance apart and details securing visibility splays could be secured by condition.
- 6.34 Indicative parking is shown on the proposed plans, this would predominantly be tandem parking and no visitor parking is shown. Current parking standards sets out that parking spaces are best provided side by side and tandem parking arrangements are often under-utilised and that visitor parking should be secured at 0.2 spaces per unit in on-street areas. Although not ideal this is not to say that tandem parking could not be utilised to some extent and the finalised layout could seek to ensure an acceptable level of parking and potentially some visitor parking. Due to the outline nature of the application and the plan being indicative the parking could be secured by condition.
- 6.35 The highways officer has also requested cycle parking and details of tracking for refuse vehicles, both matters could be suitably addressed by conditions as part of the approval.
- 6.36 Overall it has been demonstrated that a suitable access could be provided and the addition of 10 new dwellings would not give rise to significant impact on traffic movements to warrant refusal. Other matters relating to highways and parking could be suitably addressed through conditions.

### Ecology

- 6.37 The application is accompanied by an ecological report and the contents of which were considered by the KCC Biodiversity Officer as part of the earlier refused scheme. The report has been amended slightly to reflect the reduction in numbers, however the report does suggest that the western boundary hedge would be retained which is contradictory to the arboricultural report and indicative layout.
- 6.38 The contents of the report further highlight the importance of the retention of the hedge or as described in paragraph 4.46 of the report replaced if removed. As such it is considered that providing that the finalised layout either retains or replaces the western boundary hedge the proposal can be considered acceptable on ecological grounds subject to appropriate conditions relating to enhancement.

### Other matters

#### Surface water drainage

- 6.39 The application is accompanied by a drainage strategy which has been assessed by KCC Drainage and no objection is raised subject to a condition.

Public sewer

- 6.40 Southern Water records show that a public sewer dissects the site from the south-east corner, diagonally across the site toward Aspian Drive (approximately in front of no. 14). Southern Water comments have not raised an objection to the proposed scheme but have advised that the exact position of the sewer needs to be ascertained and that a diversion may be necessary. This is a matter that although may inform the future planning layout, it is a matter that would need to be resolved between the applicant and Southern Water rather than making the scheme unacceptable in planning terms.
- 6.41 A condition attached to the consent will ensure that the matters are addressed fully at reserved matters stage.

Affordable Housing

- 6.42 Policy SP20 of the Local Plan relates to Affordable housing. This sets out that development of 11 units or more or sites with a floor area exceeding 1000sq/m require 40% affordable housing.
- 6.43 The proposed development is for 10 units, falling below the 11 threshold set out in policy SP20. The indicative layout suggests a floorspace of approximately 1071sq/m which would consequently exceed the floor area threshold and require the provision of affordable housing. The proposed floorspace is extremely close to the threshold and in the absence of a detailed scheme it may be that the final floorspace may either increase or decrease. As such a condition is considered necessary to secure affordable housing should the reserved matters scheme exceed the 1000sq/m threshold. This would include details which would require details of mix, quatum, tenure etc.

Financial contributions

- 6.44 Policy ID1 of the Local Plan sets out that :
- 'Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.'*
- 6.45 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.
- 6.46 Policy DM20 re-iterates these points and sets out that where a need for new community facilities is generated these would be secured through appropriate means.
- 6.47 The NPPG sets out that :
- 'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'*

- 6.48 A contribution request has not been received from KCC as the thresholds set out above are not currently met, together with no request sought from the NHS. A contribution request has been received from the Parks and Open Space officer, but as set out above the indicative floorspace (measured externally rather than internally) would exceed the threshold, but as part of detailed scheme this could increase or decrease. In line with the NPPG and ministerial advice it is not considered that based on the information currently available that a contribution request would meet the necessary tests.
- 6.49 However as the reserved matters application could result in a floorspace of greater than 1000sq/m a condition is considered necessary and reasonable which would set out that should this threshold be exceeded then details of a mechanism to secure the appropriate mitigation would need to be submitted as part of the reserved matters scheme.

## **7.0 CONCLUSION**

- 7.01 The site although being defined as countryside, does not form part of the open countryside and is land locked by existing or proposed residential development and it is not considered that the development would harm the intrinsic character of the countryside which policy and the NPPF seek to protect. It is not considered that the development of the site can be resisted in principle and the applicants have reduced the proposed quantum of development to an acceptable level which would be appropriate for the context of the site. Some concerns still exist about buffer planting along Aspian Drive, however it is considered that these matters could be suitably addressed through the reserved matters submissions. The proposed development would not cause significant harm to neighbouring amenity and would allow for appropriate mitigation regarding landscaping, ecological matters and suitably addresses highways and parking matters and all other matters can suitably be addressed through appropriate conditions and the reserved matters submission.

## **8.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- (1) The development hereby approved shall not commence until approval for the following reserved matters has been obtained in writing from the Local Planning Authority being:-

(a) appearance (b) landscaping (c) layout and (d) scale (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.

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

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

- (2) Prior to the development above damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking

areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) Prior to development commencing the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

- (4) Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

Reason : To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior. During or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

- (5) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.

- (6) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development in line with the residential parking standards set out in Appendix B of the Maidstone Borough Local Plan 2017. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

- (7) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for vehicle loading/unloading and turning facilities to meet the needs of the development. These details shall include vehicle tracking details showing the manoeuvrability for refuse vehicles. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained as such. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown as vehicle loading/unloading and turning facilities

Reason: Development without provision of adequate manoeuvring space has the potential to be inconvenient to other road users and detrimental to amenity.

- (8) The proposed new access approved pursuant to Condition 1 shall be provided prior to occupation and the area of land within the vision splays shown on the approved plan shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway and be so retained in accordance with the approved plan.

Reason: In the interests of highway safety this is necessary prior to commencement of development.

- (9) Prior to development commencing a scheme for the disposal of (a) surface water and (b) waste water shall 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 and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (10) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The details relating to landscaping shall include the retention of the hedge along the western boundary or its meaningful replacement and a landscape scheme designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

- (11) Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality development.

- (12) The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The 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.

- (13) Prior to occupation each dwelling shall be provided with an electric vehicle charging point and shall thereafter be retained.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- (14) Details pursuant to Condition 1 shall include details of the exact location of the public sewer which may dissect the site and the measures which will be undertaken to protect/divert the public sewers. These details shall be considered in consultation with Southern Water Prior to the commencement of development or in an agreed timescale the approved protection measures/diversion shall be carried out in accordance with the approved details.

Reason : An existing sewer is identified to dissect the site and the details are necessary prior to commencement as this may inform whether the development be implemented.

- (15) Before any building is occupied, details for the storage and screening of refuse 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.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (16) No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

- (17) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority.

The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (18) Should the gross internal floor area pursuant to Condition 1 exceed 1000sq/m then the submission pursuant to Condition 1 shall include details of measures to secure affordable housing as part of the development. The details shall include but not be limited to the following :
- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units comprising 70/30 mix as set out in Policy SP20 of the Local Plan;
  - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
  - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall be carried out in accordance with the approved details relating to affordable housing.

Reason : In the interests of securing affordable housing.

- (19) Should the gross internal floor area pursuant to Condition 1 exceed 1000sq/m then the submission pursuant to Condition 1 shall include details of a mechanism to secure mitigation measures as necessary to mitigate the impact of the development in respect of Open space, Public realm, Health, Education, Social services, Utilities and/or Libraries.

Reason : In the interests of appropriate mitigation to offset the impact of the development.

- (20) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number 22564A/01 Rev A (Site Location Plan)

Reason: To clarify which plans have been approved.

## INFORMATIVES

- (1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- (2) Invasive species  
The site has a population of yellow archangel, an invasive non-native species listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that the plant is eradicated prior to commencement of development to ensure that no offences may occur.
- (3) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common

law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (4) Sewer records show the approximate position of a public foul sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The public foul sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer
3. No new soakaways should be located within 5 metres of a public sewer.
4. All other existing infrastructure should be protected during the course of construction works.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

- (5) Your attention is drawn to the following working practices which should be met in carrying out the development:

- Your attention is drawn to Sections 60 & 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: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents

with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

- It is recommended 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.

- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

- (6) The applicant is advised to seek pre-application advice prior to the submission of any reserved matters application and the future details should take into consideration the location of the public sewer (in consultation with Southern Water), the provision of buffer planting (in particular the retention/re-enforcement of the landscaping along the western boundary fronting Aspian Drive) and take into consideration the need for residential parking requirements for the occupiers themselves and visitors.

Case Officer: Rachael Elliott

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