

REPORT SUMMARY

REFERENCE NO - 16/508660/FULL			
APPLICATION PROPOSAL - Erection of 65 residential dwellings, together with access, parking, drainage			
ADDRESS - Land South Of Vicarage Road Yalding Kent			
RECOMMENDATION – Approve Subject to conditions and S106 agreement			
SUMMARY OF REASONS FOR RECOMMENDATION - The application relates to a housing allocation H1-65 contained within the adopted Maidstone Local Plan which was ratified at the meeting on the 25 th October 2017. It is considered the scheme would accord with the relevant policies of the development plan, including the policy specific to the allocation. The scheme is an integral part of the Yalding strategy being the only housing scheme in the village strategy and will deliver the identified requirements of the strategy. The application is supported by a suite of surveys and documents which have been reviewed by the relevant stakeholders and it is considered the impacts of the development are acceptable or can be appropriately mitigated through planning conditions and the legal agreement. Therefore it is considered the development will accord with the NPPF and the adopted strategy for the Borough and Yalding and therefore it is recommended planning permission is granted for the development subject to the relevant conditions and legal agreement which will secure the relevant contributions and affordable housing.			
REASON FOR REFERRAL TO COMMITTEE – Objection by the Parish Council			
WARD Marden and Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Countryside AGENT DHA Planning	
DECISION DUE DATE 21/04/17	PUBLICITY EXPIRY DATE 30.10.2017	OFFICER SITE VISIT DATE 17.10.17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
	None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site lies to the east of Yalding within the village boundary as defined by the Local Plan, with properties to the north along Vicarage Road, the allotments and church yard extension to the west and the Kintons Playing field to the south. The site is predominately laid to grass which falls gently from north to south although the site is set at a higher level than the footpath to the south. The site abuts the rear gardens to properties on Vicarage Road to the north and has established hedgerows and trees to its eastern and southern boundaries although it is more open to the west and south west. An area of woodland forms the southernmost part of the site which borders the playing fields. A vehicular access track runs parallel with the eastern boundary of the site which leads to the car park to the playing fields. A public footpath (PROW 193) runs along the south of the site and leads westwards into the village adjacent to the Church which is Grade I Listed. Further informal undesignated footpaths run along the south of the Vicarage Road properties and also along the south western boundary to the allotments. The boundary to the Conservation Area is located

approximately 60metres to the east. Yalding has been identified as a rural service centre in the adopted plan and has a range of local service and facilities as well as a mainline railway station which is located to the north west of the village with the Primary School a short distance to the west. The application is short walk from the village centre.

2.0 PROPOSAL

2.1 The application relates to a development of 65 dwellings which seek to deliver the local plan allocation H1-65. The access will be taken from Vicarage Road with a central access road leading through the site to the south with a number of secondary lanes leading from this. The development includes a mix of dwelling types including 1-2 flats and 2-4 bedroom dwellings along with parking provision, landscaping and open space including an area of woodland that will be opened up to public access. The mix of the development is as follows;

6 x 1 and 2 bed flats
12 x 2 bedroom houses
26 x 3 bed houses
21 x 4 bed houses

2.2 The development will secure 40% affordable housing which will include a mix of 4 x 1-bed, 2 x 2-bed flats, 12 x 2-bed houses and 8 x 3-bed houses. The scheme will include additional landscaping throughout the site and parking provision which will provide both on plot parking and unallocated and visitor parking throughout the site. The scheme will also secure improvements to Vicarage Road including traffic calming measures and a speed limit reduction as well as securing financial contributions to local infrastructure including that of schools, open space and healthcare.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) Section 1, 3, 5, 11 and 12
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Affordable Housing and Open Space DPD and Adopted Maidstone Local Plan (2011-2031): Policy DM1, DM2, DM3, DM4 DM12, DM21, DM23, SP11, SP16, SP19, SP20, H1, H1-65

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** Approximately 160 representations received from local residents raising the following (summarised) issues:

- Impact to the character of the village
- Harm caused to the setting of Listed Building and the Conservation Area
- Congestion and highway impacts of the development
- Vicarage road unsuitable for level of traffic due to parking cars and narrow road
- Foul sewage capacity is inadequate
- Density and design unsuitable for location
- Number of dwellings too much for site and village
- Access unsuitable
- Impacts on the Town Bridge
- Air quality
- Impacts on local infrastructure and local services

- Impacts on local ecology
- Pedestrian and child safety
- Unsustainable location
- Impacts on sports pitch and access

Following amendment of the application reducing the scheme to 65 units, at the time of writing this report, over 104 comments have been received covering the following issues

- Objections remain despite the reduction in dwelling
- Traffic and air quality and congestion
- Air Quality
- Impact on character of village
- Design inappropriate
- Pressure on infrastructure- Doctors, schools, community
- Lack of consultation
- Wildlife and ecology
- Flooding
- Sustainability of settlement
- Visual impact of development

4.02 The **Parish Council** have also objected on the following grounds;

- Density is unacceptable
- School would not be able to take additional pupils despite S106 monies
- Number of dwellings would undermine health provision in the village
- Foul/water supply inadequate
- Vicarage road is unsuitable and congestion and highway impacts are unacceptable
- Traffic calming measures unacceptable
- Flooding, lighting and design issues

Following the reduction of scheme to 65 dwellings, the Parish Council have the following further comments which confirmed they still object to the application;

- Numbers too high and had the appeal at Mount Avenue been allowed prior to Local hearing, numbers would have been reduced at Vicarage Road
- 65 dwellings too many for the site
- Impact on Heritage
- Design and layout not in keeping
- Infrastructure such as school and doctors over stretched and S106 monies insufficient
- Drainage issues
- Congestion unacceptable and refer to bus company objection
- Traffic impact, congestion and improvements inappropriate and will cause problems to parking, flooding and congestion
- Open space contributions and monies should go Yalding School and Doctors

4.03 In addition to the objections by residents there have been notable objections from the Local Bus Company, who advise the congestion is currently causing delays to services and also from the Doctors Surgery stating the increase in population will put

an unacceptable strain on the health provision and CPRE who object on landscape and visual impact grounds.

5.0 CONSULTATIONS

- 5.01 **KCC Ecology** No objections and advise conditions should be placed regarding securing a LEMP
- 5.02 **KCC Highways:** No objections on basis of trip generation and works to Vicarage Road are acceptable. Raised concerns on initial scheme regarding parking provision and reliance on garage but now confirm no objections to the revised scheme.
- 5.03 **Natural England** No objections
- 5.04 **KCC Archaeology** No Objection subject to condition relating to fieldwork prior to commencement
- 5.05 **KCC Drainage** No objections subject to planning conditions
- 5.06 **KCC Economics** No objections subject to contributions being secured by legal agreement
- 5.07 **Historic England** At time of writing report awaiting comments
- 5.08 **Environment Agency** No objections and advice given on SUDS
- 5.09 **Southern Water** Currently inadequate capacity and suggest condition to require upgrades to the network.
- 5.10 **Kent Wildlife Trust** No objections but advice given on design and landscaping
- 5.11 **MBC Landscape** No objections and generally content with the illustrated masterplan. Originally requested AIA

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration are the following
- Compliance with Policy H1 and Policy H1-65
 - Design and layout
 - Heritage
 - Highways
 - Visual Impact and Landscape

Compliance with Policy H1 and Yalding Strategy Policy S16

- 6.02 Firstly the site is a key part of the strategy for Yalding which is set out in policy SP16 of the adopted plan as it represents the only housing allocation for the village and would fall within the development boundary for Yalding within the adopted plan where development is acceptable in principle. The scheme will deliver the improvements to

pedestrian access and contribute towards improvements in healthcare within the village in accordance with the policy criteria. The additional homes created by the development will also support the existing village facilities through additional investment which will have indirect benefits in preventing the loss of these facilities, which is also a key part of the policy. On this basis the scheme is considered to be an integral part of the village strategy and will fully accord with the relevant policy criteria for the village.

6.03 Policy H1 sets out the general requirements for applications relating to housing allocations and this sets out a general criteria. This includes the need for particular surveys to be undertaken such as those relating to ecology, transport, drainage and that the development will provide an appropriate housing mix including affordable provision and provide open space in accordance with Policy DM22. The policy also required the development to contribute to local infrastructure including health provision. The scheme is supported by the relevant assessments and is considered to deliver open space, housing mix and tenure and infrastructure in accordance with H1 subject to the completion of a legal agreement which is discussed further below.

6.04 Turning to Policy H1(65) which is the policy specific to the allocation of the application site as a housing development for approximately 65 dwellings. This policy therefore imposes a presumption for its development for housing subject to a specified criteria, which any development will have to meet. The parts of the policy parts are assessment below includes;

- (1) **Quantum and Density** The developer will deliver approximately 65 Dwellings at 30 dwellings per hectare – The development is for 65 dwelling and is under 30 dwellings per hectare.
- (2) **Structural Landscaping along eastern, southern and western boundaries.** The aim of this part of the policy is to protect the development from the wider countryside and the Conservation Area and it is considered the existing structural vegetation and the proposed landscape will fulfil these aims. The site already enjoys significant boundary vegetation along the southern and eastern boundaries and it is proposed to plant further native tree/hedgerow planting to these boundaries to strengthen this existing cover. Furthermore, to the east of the adjoining lane, there is a further area of woodland which will provide a further buffer between open countryside. To the southern boundary there will be an area of greenspace where there will be additional hedgerow and tree planting. Further new trees and thicket and hedgerow mixes will be planted in the SW corner and west of the site. Whilst the western boundary with the allotments will be subject to less structural planting, the context of this adjoining land is characterised with views of built form so is less sensitive as a result. It is considered the site achieves this structural landscaping and as such will conserve the wider landscape character through the retention of existing cover and the proposed planting which will be secured and maintained over the long term through a landscape and ecology management plan (LEMP)
- (3) **Access is to be taken from Vicarage Road.** The development complies with this requirement and KCC have confirmed the access meets the relevant highway standards in terms of visibility
- (4) **Extension of footway along Vicarage Road.** Due to the rural character of the Vicarage Road, the application secures a footpath from the site access to a crossing point to enable residents to safely utilise the existing northern

footpath. These works will be subject to a Section 278 agreement and will become part of the Highway (although the internal roads and parts of the site will be privately maintained). This is considered to meet the aims of the policy in making the site accessible to village along Vicarage Road.

- (5) **Improvement to the public footpath to the south of the site.** KCC rights of way have advised. KCC Rights of way have been consulted over the improvement and their response is awaited.

On account of the above, it is considered the scheme would comply with the relevant site specific criteria of H1(65)- and those relevant parts of Policy H1.

Design and Layout

- 6.05 Policy DM1 of the adopted local plan and Section 7 of the NPPF confirm good design is an integral part of sustainable development. The application will deliver a density which is within the policy parameters and that which is set out in Policy DM12 for villages such as Yalding. The development will retain a green frontage to Vicarage Road with a main spine road which will provide visual permeability through to the open space in the southern part of the site and the Kintons beyond. This frontage and central access will be subject to tree planting and native hedgerows to front gardens and secondary lanes will lead on a E-W basis to provide access to further dwellings. The development will contain a mix of detached, semi-detached dwellings and terraced properties which will provide a mix of 2, 3 and 4 bedroom properties which is considered to accord with the council's housing mix policy SP20. There is one apartment block to the SW of the site which will provide 1 and 2 bedroomed flats. The development is designed with a lower density in the eastern part of the site, in order to address the transition from village to open countryside, with a tighter grain of development in the SW of the site, where this adjoins the village. The scheme will retain its existing trees and hedgerows to its boundaries, which will be strengthened through additional planting and will include an area of open space which will provide access to the playing fields and to the woodland walk area to the south. It is considered the layout achieves the principles of good design as well as retaining important natural features as an integral part of the development.
- 6.06 The development is on the whole two storey with the exception of two properties which will be of a town house design. The buildings will be of a traditional architectural vernacular with variety of architectural features employed through the development, ranging from gable and hipped roof forms, decorative porches and a wide range of materials ranging from brick, weatherboarding and tile hanging to create wider design and visual interest within the scheme. To achieve a good standard of architectural quality as part of the final scheme, planning conditions are recommended to achieve additional architectural features such as greater detail to windows surrounds and reveals, the upper floor treatment of properties and soffits and fascia detail, chimneys along with detailed conditions relating to materials. On the applicant has confirmed plots 64 and 65 which are those properties that are visible from Vicarage Road. Furthermore, the boundary treatments facing onto public open space will also consist of Ragstone. Whilst the apartment block is of greater scale, the building is set away from the boundary with the conservation area and although this will be visible from the allotments, this is considered to be an environment which is more influenced by the urban grain of the village, where views of other properties are possible and so presents a less sensitive context in this regard. In an overall sense, it is considered the range of house types and materials will create a good quality development which reflects the wider design principles and materials of the local area.

- 6.07 The development will secure a good standard of amenity for future occupiers with all units exceeding the National Floorspace Standards in respect of the relevant unit sizes and there are sufficient separation distances or acceptable relationships between properties to avoid any harm by way of overlooking, overshadowing or outlook issues subject to relevant conditions. In terms of existing properties, the nearest properties are those to the north which back onto Vicarage Road and the nearest proposed properties will be some 35 metres away to the north. On this basis the scheme will secure a good standard of amenity for future and existing occupiers.
- 6.08 Therefore it is considered the scheme will accord with Policy DM1, DM4 SP19, and section 7 of the NPPF which considers design to be a key part of Sustainable Development.

Heritage

- 6.09 The preservation of the country's heritage is a key part of sustainable development and have been considered by the application through its layout and design. Concerns have been raised over impacts on the setting of the conservation area and nearby Listed Buildings, notably Warde Moat (Grade II), St Peters Church (Grade I) and a scheduled Ancient Monument which is the Yalding Bridge, which lies some distance to the west. The site does not lie within the Conservation Area although the boundary is approximately 60metres to the west. There is a legal duty to preserve the special character and setting of Listed Buildings and scheduled monuments and there is also to preserve the special character of Conservation Areas, including their setting. The NPPF also states where a development has less than substantial harm on the significant of a heritage asset one must weigh this harm against the public benefits of the scheme, The applicant has produced a Heritage Assessment assessing the significance of these heritage assets and the impacts of the development on the identified assets. Historic England have been consulted regarding the application and its response is awaited.
- 6.10 Firstly, dealing with the impacts on the Listed Church and its setting, views from the Church Yard are currently disrupted by existing vegetation and there is proposed new landscaping in the form of new tree and thicket planting which will further screen the proposed development. Furthermore, the units closest to the Church Yard are two storey properties which are set some 10 metres into the site which together with the aforementioned screening will limit the impacts of the development. Whilst, it is recognised the site would have previously formed part of land associated with the church, it is considered to have only minor significance in heritage terms. Due to the aforementioned limited intervisibility and the intervening distance, it is considered the development will have a very limited impact on the significance of the Church and its setting and having regard to Paragraph 134 of the NPPF, there would be less than substantial harm caused to the heritage asset.
- 6.11 The impacts on Warde Moat have also been cited as being affected by the development. The eastern boundary of the site is a heavy tree line and beyond this is a further area of scrub and woodland. Warde Moat is approximately 250 metres from the site and with its access east of the adjoining lane, along Vicarage Road. It is not considered the development will have any impact on this listed building or its setting due to the boundary and intervening vegetation.
- 6.12 Turning, finally to the conservation area, this covers the historic core of Yalding and its nearest boundary runs to the edge of the churchyard, some 60 metres to the west of the application site. The western boundary of the application site with the more recent burial ground is screened by an hedgerow of around 2 metres but there is a

relatively heavy tree cover further south and which interrupts/obscures views of the development from the churchyard and the conservation area itself. Whilst the site does have some contribution to the setting of the Conservation Area, as it provides a quiet and rural character to the village edge, it is not key characteristic of this designated area nor does it offer any historic or particular special contribution to its designation. Thus the site contributes limited value to the overall significance to the setting of the Conservation Area and causes less than substantial harm to the significance of this designated asset. It is considered the design and layout and landscape approach, which includes heavy planting to the south west of the site, the development will mitigate any impact and the retention and strengthening of the western/south western boundary will maintain the character of the Conservation Area. The conservation officer has reviewed the development and does not have any objections to the scheme.

- 6.13 It is considered the scheme has taken account of the proximity to the Conservation Area, through the provision of a new landscape buffer and by locating the more modest units nearest to the south western Boundary which will be set back from the boundary. Through the design and layout of the scheme, it is considered the development has conserved the character of the relevant heritage assets in accordance with Policy DM4 and accords with the duties Listed Building and Conservation Area Act 1990. Furthermore, having regard to the tests of Paragraph 132-134, it is considered the development would have less than substantial harm. When weighing the public benefits against such minor impacts, which are given significant weight in decision making having regard to the legal duties, it is considered the wide range of benefits will outweigh these very limited impacts.

Highways

- 6.14 There have been a number of concerns raised both regarding the suitability of Vicarage Road for the additional traffic brought by the development and also that of congestion on the local highway network, including the route via the Historic bridge towards Lee's Road. The original application for 75 units, before it was amended, was subject to further assessment by the applicant in response to congestion and cumulative impacts on the local highway network. The applicant forecasts 38 trips in the AM peak and 35 trips in the PM peak from the development with an overall daily trip rate of 339 trips. The applicant calculates approximately 91% of vehicles of traffic would head west along Vicarage Road and at the junction with the B2010, 57% of vehicles heading north and the remainder routing south. Traffic surveys were undertaken of this junction which confirm the junction is operating within capacity and this would continue to do so with the additional trips generated by the development. Many respondents have cited the impact of additional trips upon the town bridge and that this is already over capacity in highway terms. The applicant has also undertaken a study on the increase of trips caused by the development and having regard to the forecast flows (with forecast growth and committed development) in 2020, there would be, without the development, 790 (AM) and 794 (PM) trips via Yalding. The development would contribute an additional 22 trips in the AM peak and 20 trips in the PM and would represent a mere 2% increase in this context. KCC highways have reviewed this information and confirm that they have no technical reason to object to the development on the basis of congestion. Notwithstanding this conclusion, it should in any case be noted the application site is an allocated site which formed part of the council's wider strategy where such matters as highway impacts would have been considered at the strategic level and the level of growth in Yalding was considered to be sound by the Local Plan Inspector. Paragraph 32 of the NPPF, states that the development on highway grounds should only be refused if the impacts are severe. It is clear from the decision to allocate the site as a housing site

within the Local Plan process and the absence of any objection from KCC Highways that there would be no grounds to argue the impacts would be severe.

- 6.15 In relation to other highway matters, in order to facilitate the development the applicant is also proposing a number of improvements to Vicarage Road including the new access from the site, a raised table, speed cushions and warning signs and a 20mph reduction to the speed limit. A footpath will extend from the site access to a crossing point, which will be achieved by tactile paving to create the connection to the existing footpath to the north of Vicarage Road which leads to the village centre. The public footpath to the south which will have links into the development site will also provide connections to the village.
- 6.16 In the previous scheme of 75 units, KCC Highways raised concerns regarding the use of garages within the parking provision and the potential for obstructions to the main spine road. The applicant has sought to address this matter, through the enlargement of garages and an increase in the level of off road parking. In an overall sense, the application provides for 86% of the parking standards and KCC Highways do not object on the basis the road will remain un-adopted and such impacts from such provision are unlikely to be severe in highway terms.
- 6.17 In summary, it is considered the scheme will not adversely affect the highway network to the point whereby an objection could be sustained against the development and subject to the imposition of relevant condition including parking retention and highway works, it is considered the development would be acceptable in relation to highway matters. Thus the development would accord with DM1, H1-65 and the relevant parts of the NPPF.

Landscape and Visual Impact

- 6.18 The site currently enjoys a good standard of structural landscaping on the eastern and southern boundary which will be retained as part of the wider landscape strategy for the site and strengthened through new planting. The applicant has submitted a wider landscape masterplan which seeks to strengthen this existing structure and also create additional strategic landscaping to the west of the site where the site borders the more recent burial ground which itself has a native hedgerow which is fast maturing. The planting will include new semi mature tree planting and hedgerow and thicket mixes which will, in time, largely limit views of the development from the conservation area. Whilst the boundary with the allotment is proposed to consist of close boarded fencing, this is understood to be on the basis of the option agreement with the owners of the allotment and as such a local requirement. In any case, the development will contain tree planting to the southern boundary of the allotments and hedgerow along the western boundary of the site. In any case, it is considered the allotments area is less sensitive in visual terms, as it is an environment related to the built context village where views are already characterised by existing built form. The site will be subject to tree planting along the main access road with an area of open space to the south of the site with further planting and a SUDS attenuation basin which will be planted with wetland species. In order to finalise the overall scheme and the landscape specification it is considered necessary to impose a condition to require the landscape details and its implementation which will also include details of the wetland planting to the SUDS attenuation pond. The LEMP will secure the long term management of this new planting.
- 6.19 The scheme will create a substantial landscaping buffer through the existing and proposed structure and this together with the intervening space of the playing fields

between the site and open countryside, will ensure the development will not have adverse impacts on the wider countryside character. The new planting and open area that will be retained on the Vicarage Road frontage will soften views from Vicarage Road and retain a remnant of the existing landscaped frontage. In views from the footpath and from the wider village to the west, the existing planting structure and new landscaping proposed on the prominent boundary will broadly screen the site in such views. Having regard to the fact, the adopted plan has allocated the land for development and thus accepted some degree of visual impact and loss of openness, the scheme would conserve the character of the countryside in accordance with policy SP17 of the adopted plan and the relevant part of H1-65 which requires structural landscaping to be secured.

- 6.20 The scheme in its amended form will now seek to open up the area of woodland to the south to allow public access with the route to avoid any significant trees and following existing clearings. At this stage the exact route is only indicative and it is proposed to impose a condition to require further details of such a route which shall be informed by arboricultural evidence and details of its construction to avoid any undue harm to the existing woodland. MBC landscape have no objections to this public access to this woodland or the scheme as a whole on landscape grounds but advise that conditions relating to an arboricultural method statement and landscape detail should be submitted for approval to ensure that the scheme secured a high quality landscape scheme.

Ecology and Landscaping

- 6.21 The application was accompanied by a Phase 1 Ecology Assessment and further surveys in respect of bats, great crested newts (GCN) and reptiles. The site was considered to present low potential for reptiles and GCN and the bat potential was limited to foraging along the hedge and trees lines. The initial appraisal sets out a range of enhancement measures that can be incorporated into the development to seek gains in biodiversity as per relevant local and national policies. KCC ecology have reviewed this information and consider sufficient information (in terms of assessment) has been submitted to allow a decision to be made and they recommend a Landscape and Ecology Management Plan is submitted for approval to ensure long term management of ecology and landscape considerations within the site which shall include the provision of integral habitat within buildings and across the site and new native planting and landscaping. It is also recommended that a condition is placed to maintain the communal areas of the development including the estate roads to ensure the development is maintained in a good order

Other matters

- 6.22 The site lies within Flood Zone 1 and the application was accompanied by a Flood Risk Assessment and Drainage strategy and a further addendum was produced to address initial comments by KCC Drainage. Concerns have been raised by residents regarding flooding but the site and its drainage attenuation are all located within Flood Zone 1 and the proposed SUDS layout will restrict run-off rates to greenfield rates. KCC Drainage and the Environment Agency have reviewed the strategy and are content the scheme will be acceptable in terms of flood risk and drainage. This is on the basis the scheme will not cause flooding elsewhere and the proposed layout can incorporate SUDS within the proposed layout and therefore there are no matters which weight against the development on this matter. On this basis the scheme would accord with Paragraph 101 of the NPPF and National Policy in respect of SUDS and it is recommended a condition is imposed to require further detail on the strategy and its management. A condition is also recommended for foul water to

ensure the relevant upgrades to the sewage system in consultation with Southern Water.

- 6.23 The site will provide 40% affordable housing with a mix of 4 x 1-bed flats, 2 x 2-bed flats, 12 x 2-bed houses and 8 x 3-bed houses. The development will secure a tenure mix of between 55-65% affordable rent and 35-45% shared ownership with the final mix to be agreed and negotiated with MBC Housing. This mix and location of affordable housing within the development site has been reviewed by MBC and it is considered to be acceptable. Thus the development will accord with the SP20 of the adopted local plan.

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 Yalding Primary School of £3324 per applicable dwelling (£831 per applicable flat) which will amount to a total of £197,778.00. In respect of secondary education KCC request £2359.80 per applicable dwelling (£589.95 per applicable flat) towards secondary education at Maidstone Grammar School which will amount to £140,408.10. KCC also request further contributions towards Community Learning of £1,996.50 (£30.70 per dwelling) which will contribute towards additional flexible courses in Maidstone, £7,536.10 towards Yalding Library (£115.94), Youth Services of £551.85 (£8.49 per dwelling) towards Maidstone area outreach service. Further details are provided in Section 8 below. The proposed 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 £44,604 which will be spent on improvements to Yalding surgery. This is a key part of the Yalding strategy set out in policy SP16 and is considered to be justified and necessary and proportionate to the likely occupation of the site.

- 6.42 Whilst the applicant is seeking to provide a 1.29ha of open space (including the woodland) and MBC Parks and Leisure department have requested an amount of £19,950 towards open space provision. At the time of the report, the Parks and Leisure have yet to confirm where this will be spent and this will be updated prior to the committee.

6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations. The applicant has engaged with the council's legal services to start the drafting of the legal agreement.

7.0 CONCLUSION

7.01 The site is an allocated site within the Council's Local Plan which can be given full weight and the submitted scheme will accord with the policy criteria of H1 and H1(65) which allocate the site for 65 dwellings. The scheme is also an integral part of the strategy for Yalding which is set out in Policy SP16 which seeks to secure contributions for health and pedestrian improvements. The scheme will deliver a mix of housing and affordable housing in accordance with the relevant policies, all of which lend significant weight in favour of the scheme.

7.02 The scheme will also be acceptable on matters such as design, drainage, ecology and trees and whilst there will be very limited impacts upon the setting of the conservation area in the short term and the proposed landscaping and layout will mitigate such effects. Having regard to paragraph 134 of the NPPF, the development will have less than substantial harm and the public benefits of the application will outweigh the identified harm which is itself given significant weight in the balancing test. These benefits include compliance with the housing policies and the wide range of benefits means that the development will accord with the development plan and the presumption in favour of sustainable development will apply in this case.

8.0 RECOMMENDATION

8.01 RECOMMENDATION - The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- The provision of 40% affordable residential units within the application site (Tenure mix to be secured of between 55-65% Affordable Rent and the remainder Shared Ownership. Final mix between these parameters to be agreed with MBC Housing and Head of Planning to be given delegated power to secure this through negotiation with applicant).
- Financial contribution of Yalding Primary School of £197,778.00
- Financial contribution of £140,408.10 towards Maidstone Grammar School
- Financial contribution of £1,996.50 is sought towards community learning and the cost of providing flexible courses in Maidstone
- Financial contribution of £7,536.10 towards libraries to address the demand from the development towards additional bookstock at Yalding Library
- Financial contribution of £44,604 towards Healthcare at Yalding Surgery
- Financial contribution of £551.85 for Youth Services which will be put towards Maidstone Outreach workers

- Financial Contribution of £4131.40 towards social care and Trinity Foyer Sensory Beds and Rockery
- Open Space Contribution of £19,950 is based upon the off-site provision that cannot be provided on site and will be put towards

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. Prior to any development above damp proof course level, written details and samples of the materials to be used and incorporated within in the construction of the external surfaces of the buildings which shall include Kentish Ragstone plinths to plots 64 and 65, stock brickwork, Kent peg tile hanging, weatherboarding, and clay and natural slate roof tiles and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

3. Notwithstanding the details shown on the approved elevation drawings, prior to the development above damp proof level, further details shall be provided in respect of the elevation detail of the approved dwellings for approval by the Local Authority. These details shall include the following;
 - (1) Detail of brick arches to windows
 - (2) Reveals around doors and windows
 - (3) Extent and detail of first floor cladding including that to all elevations
 - (4) Soffit and Facia detail
 - (5) Chimneys across the development

Once approved, the development shall then be undertaken in accordance with these details and retained thereafter;

Reason: to ensure a satisfactory appearance of development

4. The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site

preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

5. All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

6. No development including site clearance and demolition shall take place 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

7. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new planting and the specification, a programme of implementation and long term management plan.

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

8. The approved landscaping will be undertaken and completed in the first planting season following the first occupation of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property,

commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

9. Development shall not commence above slab level until details of the proposed pedestrian footpath route through the southern area of woodland has been submitted for approval by the Local Planning Authority. This route shall be informed by arboricultural information in accordance with the current version of BS5837 to ensure a suitable routes is achieved whilst retaining the integrity of the woodland. The report shall also include an Arboricultural Method Statement and include a schedule of any required access facilitation works, a tree protection plan and specific details of the construction of the said footpath with existing and finished levels. Once approved the footpath will be constructed in accordance with the approved details prior to the first occupation of the development and retained in accordance with such details.

Reason: to ensure integrity of the woodland is maintained as part of the development

10. The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development.

11. The approved garages hereby permitted shall only be used for vehicular parking and 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 to the garages so as to preclude the parking of a vehicle;

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

12. A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

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

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

- The alterations to Vicarage Road as set out in the Transport Assessment
- The access to Vicarage Lane and appropriate visibility splays
- Pedestrian Footpath from site access and tactile paving to create crossing point to northern footpath

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 H1-65 (as modified) and to ensure highway and pedestrian safety

14. 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: to secure crime prevention and safety of the area

15. 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

Reason: to promote sustainable travel and reduce vehicle emissions

16. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. Such details shall include ragstone walling on plots or boundaries facing onto public open space and shall include detail of bond, mortar mix and pointing detail. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

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 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:

as

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 pollutants or contaminants

19. 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 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

20. 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.

21. No dwellings hereby permitted shall be occupied until details of the foul water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority.'

Reason: to ensure adequate drainage to the site

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: In the interests of sustainability.

23. 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.

24. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing 2855 10 Site Location Plan
- Drawing 2855 100 Rev Q Site Layout Plan
- Drawing 2855 101 Rev L Parking Plan
- Drawing 2855 102 Rev L Tenure Plan
- Drawing 2855 103 Rev M Refuse Strategy

- Drawing 2855 104 Rev O Storey Heights Plan
- Drawing 2855 105 Rev M Unit Mix Plan
- Drawing 2855 106 Rev L Roof Plan
- Drawing 2855 107 Rev L Roof Plan
- Drawing 2855 108 Rev C Street Elevations
- Drawing 2855 110 Rev F Proposed Site Plan
- Drawing 2855 110 Rev F Proposed Site Plan (Without Notes)
- Drawing 2855 201 Rev E House Type B1 Plans & Elevations
- Drawing 2855 202 Rev D House Type B2 Plans & Elevations
- Drawing 2855 204 Rev G House Type D1 Plans & Elevations
- Drawing 2855 206 Rev F House Type E2 Plans & Elevations
- Drawing 2855 207 Rev F House Type F1 Plans & Elevations
- Drawing 2855 209 Rev E House Type G1 Plans & Elevations
- Drawing 2855 210 Rev E House Type G2 Plans & Elevations
- Drawing 2855 212 Rev D House Type G4 Plans & Elevations
- Drawing 2855 213 Rev G House Type H1 Plans & Elevations
- Drawing 2855 214 Rev E House Type H2 Plans & Elevations
- Drawing 2855 215 Rev E House Type H3 Plans & Elevations
- Drawing 2855 216 Rev D House Type H4 Plans & Elevations
- Drawing 2855 217 Rev F House Type AF2-A Plans & Elevations
- Drawing 2855 218 Rev D House Type AF2-B Plans & Elevations
- Drawing 2855 220 Rev E House Type AF3-B Plans & Elevations
- Drawing 2855 224 Rev C Affordable Apartments Elevations 1
- Drawing 2855 226 Rev G House Type E3 Plans & Elevations
- Drawing 2855 227 Rev F House Type F3 Plans & Elevations
- Drawing 2855 228 Rev F Car Ports & Garages Plans & Elevations Sheet 1
- Drawing 2855 229 Rev E Car Ports & Garages Plans & Elevations Sheet 2
- Drawing 2855 230 Rev B House Type L1 Plans & Elevations
- Drawing 2855 232 Rev B House Types AF2-B Plans & Elevations
- Drawing 2855 235 House Type B1 Plans & Elevations
- Drawing 2855 238 House Type D2 Plans & Elevations
- Drawing 2695-LA-01P7 Illustrative Landscape Masterplan

Reason: To clarify which plans have been approved