



Mr Lendrum
C/O Countryside Properties Ltd.
FAO: Mr C Hawkins
DHA Planning
Eclipse House
Eclipse Park
Maidstone
Kent
ME14 3EN

11 June 2018

PLANNING DECISION NOTICE

APPLICANT:	Mr Lendrum
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	16/505401/FULL
PROPOSAL:	Erection of 13 dwellings and garages with associated access and landscaping.
ADDRESS:	Vicarage Field At Wares Farm Linton Hill Linton Kent

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21954A/01A (site location plan); 21954A/02A (topographical survey); 21954A/05 (existing site sectional elevation A-A); 21954A/06 (existing site sectional elevation B-B); 21954A/07 (existing site sectional elevation C-C); 21954A/08 (existing site sectional elevation D-D); 21954A/10C (site layout plan); 21954A/20A (plot 1 floor plans and elevations); 21954A/22A (plots 2 & 5 floor plans and elevations); 21954A/23A

MKPS – Working in Partnership with: Maidstone Borough Council

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

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

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.gov.uk

(plot 3 floor plans and elevations); 21954A/24A (plots 4 & 7 floor plans and elevations); 21954A/25A (plot 6 floor plans and elevations); 21954A/28A (plots 8, 11, 12 & 13 floor plans and elevations); 21954A/29 (double garage floor plan and elevations); 21954A/50A (proposed site sectional elevation A-A); 21954A/51A (proposed site sectional elevation B-B); 21954A/52A (proposed site sectional elevation C-C); 21954A/53A (proposed site sectional elevation D-D); SURV1780 (topographical survey - sheet 1 of 1 showing trees); SURV1780 (topographical survey - sheet 1 of 1 showing contours).

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development. This information is required prior to commencement to ensure agreement of levels prior to work progressing on site.

- (4) The development shall not commence until details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development in accordance with the NPPF. This information is required prior to commencement as construction works will reduce the range of renewable energy options that are available.

- (5) The development shall not commence until an arboricultural method statement (AMS) is submitted to and approved in writing by the local planning authority. The AMS shall include details of the phasing of the access road construction, arboricultural supervision and reporting during excavation (using hand tools only) and backfilling within root protection areas, and details of how any roots encountered during construction will be dealt with. The development shall be built in accordance with the approved AMS.

Reason: To ensure long term retention of trees. This information is required prior to commencement as any site works have the potential to damage trees.

- (6) Prior to commencement of development above damp-proof course (DPC) level, written details and samples of external building facing materials and areas of hardsurfacing including roads and pavements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a good quality appearance to the development.

- (7) Prior to commencement of development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of boundary treatments between the approved dwellings and the development site boundary, and including a pedestrian gate from the development site to the playground at the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. With the development proceeding in accordance with the approved details.

Reason: To ensure a good quality appearance to the development.

- (8) Prior to commencement of development above damp-proof course (DPC) level, details of refuse and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. With the approved refuse and cycle storage in place prior to first occupation and maintained as such thereafter.

Reason: To ensure a good quality appearance to the development.

- (9) Prior to commencement of development above damp-proof course (DPC) level details of mitigation to protect future occupiers from road noise shall be submitted to and approved in writing by the Local Planning Authority with the submitted measures that shall meet the recommendations of the acoustic report carried out by Grant Acoustics, ref 13891SI (dated June 2014) in place and operational prior to first occupation of any residential unit hereby approved.

Reason: To ensure an adequate level of amenity for future residential occupiers.

- (10) Prior to commencement of development above DPC level an ecological enhancement strategy which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority and shall include the following a) Provision of log piles for invertebrates; b) Areas of terrestrial habitat to include refuge piles, reptile hibernacula, foraging territories and opportunities for shelter; c) Installation of ready-made bird/bat boxes to mature trees; e) Provision of integral bird/bat bricks/boxes on northern elevation of buildings; f) Provision of hedgehog nesting boxes; g) Provision of 12cm square gaps under fencing to allow hedgehogs access into all garden areas. The development shall be built in accordance with the approved ecological enhancement strategy and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity enhancement.

- (11) Prior to commencement of the development above damp proof course level hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following: a) Purpose and conservation objectives of landscaping and ecological design b) Timetable for implementation, demonstrating that works are aligned with proposed phasing of construction; c) Description and evaluation of features to be managed; d) Details of measures to prevent damage to landscaping from car parking e) Appropriate management prescriptions for achieving aims and objectives; f) Preparation of work schedule (including annual work plan capable of being rolled forward over a 5-year period); g) Details of the body(/ies) or organisation(s) responsible for implementation of

the LEMP; h) Ongoing monitoring and remedial measures. i) LEMP shall also include details of legal and funding mechanism(s) by which long-term implementation of plan will be secured by developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved LEMP details.

Reason: To ensure long term retention and management of landscaping and ecological design features. Reason: In the interests of biodiversity enhancement.

- (12) Prior to commencement of development above damp-proof course (DPC) level, details of a scheme of landscaping and a programme for the approved scheme's implementation and long term management shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and indicate which existing trees, hedgerows and landscaping are to be retained. The information should include management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens.

Reason: To ensure a good quality appearance and landscaped setting to the development.

- (13) All planting, seeding or turfing in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, 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: To ensure a good quality appearance and landscaped setting to the development.

- (14) Any external lighting (whether temporary or permanent) installed on the site shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and measures to ensure that there are no adverse impacts on foraging/commuting/nesting bats. The lighting shall be maintained in accordance with the approved details thereafter.

Reason: In the interest of residential amenity and biodiversity.

- (15) Prior to first occupation of any of the dwellings hereby approved footways, access, visibility splays, turning head and visitor parking shall be in place and ready for use that are in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the approved details permanently retained.

Reason: In the interest of highway safety and parking provision.

- (16) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. It shall include: (a) Targets for sustainable travel arrangements; (b) Effective measures for the on-going monitoring of the Plan; (c) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; and (d) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development. The development shall be implemented only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures.

- (17) Prior to the occupation of the dwellings hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained and maintained for that purpose.

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

- (18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (19) Development shall not begin until a detailed sustainable surface water drainage scheme for the site, including arrangements to secure the outfall, has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall: (a) demonstrate that surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated with any offsite discharge limited to either QBAR or greenfield runoff rate as approved by the Local Planning Authority. (b) provide details of any works required for the proposed drainage system, including ditches, proposed headwalls, and ponds to be approved by the Local Planning Authority. (c) demonstrate how silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (21) No building on any area of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development 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 as constructed is compliant with the National Planning Policy Framework.

Informative(s):

- (1) The applicant is advised to contact Southern Water in relation to position and need for diversion of foul sewers; details of the proposed means of foul and surface water sewerage disposal; connection to the public foul sewer and Sustainable Urban Drainage. Contact details are Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW www.southernwater.co.uk, developerservices@southernwater.co.uk or 0330 303 0119.
- (2) The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of Scotia Gas Network infrastructure.
- (3) The applicant is advised that it is the developers responsibility to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have

'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land-of-the-works> prior to commencement on site.

- (4) The applicant is advised to contact Kent County Council for advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk and a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. All developers are advised to work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Developers are advised to make access to superfast broadband an essential utility for all new homes and businesses and given the same importance as water or power in any development design. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer.
- (5) The applicant is advised to comply with the Mid Kent Environmental Code of Development Practice with further details available from the Mid Kent Environmental Health Team.
- (6) The advice in the document Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers is highlighted to the applicant. Summary of requirements - The two most important features of street and security lighting with respect to bats are:
 1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
 2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics: Low - Low pressure Sodium Lamps (SOX) emit a minimal UV component. - High pressure Sodium Lamps (SON) emit a small UV component. White SON, though low in UV, emit more than regular SON. High - Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps - Mercury lamps (MBF) emit a high UV component. - Tungsten Halogen, if unfiltered, emit a high UV component - Compact Fluorescent (CFL), if unfiltered, emit a high UV component. Variable - Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting The above recommendations concerning UV output and direction apply. In addition: Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels; Lamps of greater than 2000 lumens (150 W) must not be used; Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night; Light must illuminate only the immediate area required, by using as sharp a downward angle as possible; Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit; Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife; Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (7) The submitted application is supported by a Visual Impact Assessment; Design and Access Statement; Planning and Heritage Statement; Utilities Feasibility Report; Noise Assessment for Proposed Residential Development; Tree Survey; Agricultural Land Classification Plan and a Site Appraisal and Development Strategy. The application also relies on the following information submitted with the earlier withdrawn application (ref 14/504148/full) Landscape Assessment and Statement; Transport Statement; Flood Risk Assessment; Ecological Report; Contamination Report and Archaeological Assessment.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. In this instance the application was considered in the public forum of the planning committee and after this consideration the planning committee made the decision to grant planning permission.

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

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

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

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

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