

Boxley Parish Council
C/O DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
North
Maidstone
Kent
ME14 3EN



28 September 2018

PLANNING DECISION NOTICE

APPLICANT:	Boxley Parish Council
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	15/507909/FULL
PROPOSAL:	Change of use of woodland and grassland to provide for formal public open space with associated ancillary structures (including seating and natural play equipment), improvement to paths and landscaping; and the erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close
ADDRESS:	Walderslade Woods Including Land Off Wildfell Close Boxley 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 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

Lloydbore letter dated 18th November 2015 regarding ecology information
Arboricultural Impact Assessment Revision A dated 22/10/15
Ecological Appraisal dated 9/9/15
Reptile report dated 9/9/15
Noise Impact Assessment Report dated May 2007
Walderslade Woods Vision and Implementation Plan dated August 2015
Design and Access Statement

Drawing number 07.10.08 Rev C (Proposed Floor and Roof Plans (House Type 3))
Drawing number 07.10.01 Rev E (Site location plan and Proposed Site Plan (with Ancient woodland outline))
Drawing number 07.10.02 Rev E (Site location plan and Proposed Site Plan (without Ancient woodland outline))
Drawing number 07.10.04 Rev E (Proposed Front and Rear Elevations (House Type 1))
Drawing number 07.10.05 Rev E (Proposed Site Elevation (House Type 1))
Drawing number 07.10.07 Rev E (Proposed Front and Rear Elevations (House Type 2))
Drawing number 07.10.09 Rev C (Proposed Front and Rear Elevations (House Type 3))
Drawing number 07.10.10 Rev C (Proposed Site Elevation (House Type 3))
Drawing number 07.10.03 Rev E (Proposed Floor and Roof Plans (House Type 1))
Drawing number 07.10.06 Rev E (Proposed Floor and Roof Plans (House Type 2))

Reason: To clarify which plans have been approved.

- (3) Before the development of the 9 no. dwellings reaches damp proof course written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities.

- (5) Before any of the 9 no dwellings hereby approved are 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.

- (6) Prior to the occupation of the first dwelling hereby permitted the access shown on the submitted plans shall be completed.

Reason: To ensure safe access and egress from the site.

- (7) The area shown on drawing 07.10.02 Revision E as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before and of the dwellings hereby approved are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- (8) Before the development of the 9 no. dwellings reaches damp proof course a landscape scheme for the housing site 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. It shall detail measures for protection of species to be retained, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 10 year management plan. The details shall include the provision of a knee rail fence to demarcate the buffer of the Ancient Woodland and safeguard encroachment.

Reason: In the interests of visual amenity and landscape impact.

- (9) The planting, seeding and turfing specified in the approved landscape details shall be carried out prior to the occupation of the first dwelling hereby approved or shall be carried out in the planting season (October to February) following first occupation whichever is the sooner. 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 visual amenity.

- (10) No development of the 9 no dwellings hereby approved shall take place until an Arboricultural Method Statement and details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. The details are required prior to commencement as the details submitted currently relate to the original scheme for 12 units, whereas the proposed scheme now relates to 9 units and would require lesser trees to be removed and the protection to be located in a different position.

- (11) Prior to occupation of the first of the dwellings hereby approved the approved bicycle storage shown on the approved plans shall be provided 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.

- (12) Prior to the commencement of development of the 9 no. dwellings, including site clearance, the reptiles within the application site shall be captured and relocated to the identified receptor site as shown on the submitted "Reptile Relocation Plan (Lloydbore, April 2016)", in accordance with good practice guidelines. Once completed, details shall be submitted to the Local Planning Authority confirming relocation has occurred.

Reason: In the interests of protected species and the works are required to be carried out prior to commencement to ensure adequate protection of protected species.

- (13) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the development by means such as swift bricks, bat tube or bricks and measures and the location of retained cordwood. The approved measures shall be implemented in accordance with the approved details prior to first occupation of any of the units and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- (14) Prior to the commencement of the construction of the dwellings hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To ensure adequate amenity for future occupiers. These details are required prior to commencement to ensure that the necessary levels can be achieved through the construction of the dwellings.

- (15) Prior to the commencement of the construction of the dwellings hereby approved a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that 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.

- (16) 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.

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

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

- (18) In accordance with the submitted vision plan details of any physical paraphernalia proposed to be sited within the open space shall be submitted to and approved in writing by the local planning authority prior to its installation. These shall include but not be limited to such details as footpaths, benches, play equipment etc.

Reason: In the interests of the visual amenity of the area and the aims of the site to provide accessible and usable open space.

- (19) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencement as these methods may impact or influence the overall appearance of development.

- (20) 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 with these details including gaps at the base of the boundary treatments to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the buildings 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.

- (21) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point for low-emission plug-in vehicles has been installed on the given buildings with dedicated off street parking, and shall thereafter be retained for that purpose.

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

Informative(s):

- (1) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- (2) There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
- (3) There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views.
- (4) No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

- (5) No Materials can be stored on the Right of Way
- (6) The applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- (7) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- (8) The exact position of the public water main must be determined on site by the applicant. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact, Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or www.southernwater.co.uk". Please note there is a deed of easement for water distribution main within the site.
- (9) 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 S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".
- (10) 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 <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> 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.
- (11) The applicant is advised that the proposed Hawthorn trees in the residential development should be replaced by Field Maples.

The Council's approach to this application:

Note to Applicant

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 at a planning committee where the applicant had the opportunity to promote the application.

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

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

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

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

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.