

Mr M J Older
C/O Christopher Atkinson BA MRTPI
9, St Luke's Avenue
Maidstone
Kent
ME14 5AN



10 January 2018

PLANNING DECISION NOTICE

APPLICANT:	Mr M J Older
DEVELOPMENT TYPE:	Small Major Dwellings
APPLICATION REFERENCE:	13/1979
PROPOSAL:	Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.
ADDRESS:	Land North Of, Heath Road, Coxheath, Maidstone, Kent, ME17 4TB

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

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

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) Before development commences an arboricultural implications assessment shall be carried out in accordance with BS5837: 2012, including tree protection details, and a landscape scheme using predominantly indigenous species in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No details have been submitted and in the interests of the visual amenities of the area

- (3) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, and the supporting documents relating to Transport Statement, revised Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment and Preliminary Arboricultural Report.

Reason: To ensure that the development conforms to the submitted plans

- (4) No occupation shall occur until the following highway works resulting from the implementation of the highway improvements scheme along Heath Road in Coxheath and shall include the following:

- (1) The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
- (2) A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access.
- (3) Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.
- (4) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: in the interests of highway safety

- (5) The existing Public Rights of Way adjoining the application site - KM46 and KM44 - shall be improved and upgraded in accordance with a detailed specification to be submitted to and approved in writing by the LPA in consultation with the KCC Public Rights of Way team. Such details as agreed shall be completed and made available for use prior to the first occupation of any dwelling.

Reason: In the interests of pedestrian safety

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

Reason: To ensure a satisfactory appearance to the development.

- (7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area

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

Reason: In the interests of the visual and residential amenities of the area.

- (9) All planting, seeding or turfing approved pursuant to condition 1 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

- (10) No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development.

- (11) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding

- (12) No dwellings shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPF and NPPG Flood Risk) and the results of the assessment provided to the local planning and highway authorities.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding.

- (13) Before development commences, a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall include details of the creation, maintenance and long term management of the reptile receptor site on land to the north of the application site. The Habitat Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The Management Plan shall be implemented in accordance with the approved details.

Reason : in the interests of biodiversity

- (14) Before development commences, an Ecological Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The ecological mitigation strategy shall be in accordance with the principles outlined in the Protected Species and Mitigation Report, Habitat Survey and Protected Species Assessment and, in addition to details of the reptile receptor site, referred to in condition 13 shall include:

1. Method statements that ensure ecological impacts will be avoided, mitigated and/or compensated for;
2. Details of the on-site ecological enhancement measures.

The Ecological Mitigation Strategy shall be implemented in accordance with the approved details.

Reason : in the interests of biodiversity

- (15) No external lighting shall be installed until details of a lighting scheme which is sensitive to biodiversity has been submitted to and approved by the LPA before development commences.

Reason in the interests of biodiversity

- (16) The details submitted pursuant to condition 1 should incorporate a set back of a minimum of 15m from the edge of the highway in Heath Road.

Reason: in the interests of visual amenity

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

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

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

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

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

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.