



Appeal Decisions

Inquiry opened on 13 October 2015

Site visit made on 16 October 2015

by Paul K Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2015

Appeal A: APP/U2235/W/14/2227572

Land east of Gleaming Wood Drive, Lordswood, Kent ME5

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Palm Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref MA/13/1797, dated 17 October 2013, was refused by notice dated 23 April 2014.
 - The development proposed is residential development (about 89 dwellings) plus open space, biomass plant and access road.
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Appeal B: APP/U2235/W/15/3132364

Land east of Gleaming Wood Drive, Lordswood, Kent ME5

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Palm Developments Ltd against the failure of Maidstone Borough Council to issue a decision within the appropriate period.
 - The application Ref 15/503359OUT, was dated 21 April 2015.
 - The development proposed is residential development (about 89 dwellings) plus open space, biomass plant and access road (plus emergency access).
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Preliminary matters

1. The applications were made in outline with details of layout, access, scale, appearance and landscaping reserved. The proposal subject to appeal B was submitted to address the reasons for refusal of the application ref MA/13/1797 and has a different access route and a slightly different 'red line' boundary. At the Inquiry, the appellant accepted that the proposed access point in Gleaming Wood Drive in each scheme was not a reserved matter and could be ensured by condition at this stage. I have considered the appeals on this basis. Indicative drawings have been provided indicating a potential layout for dwellings within the site and these are a material consideration.
2. The Council's putative reasons for refusal in respect of the proposal subject to appeal B are broadly the same as those in respect of appeal A, but there is no reason relating to the effect on protected species. On 7 October 2015, the Council confirmed by letter that this had been in error. I have considered appeal B on the basis that the effect on protected species remains an issue. No parties have been prejudiced by this.
3. During the Inquiry, negotiations on affordable housing and financial contributions continued. A draft S106 Unilateral Undertaking (UU) was provided at the end of the Inquiry which led to the withdrawal of the relevant

reasons for refusal nos. 4 and 5 in respect of each application. Insofar as there remains a disagreement on the appropriateness of the contribution to Medway District Council for a proposed green way open space, this is included in the UU and I consider it below.

4. At the Inquiry it was confirmed that the applications should be described as 'up to 89 dwellings' and I have considered them on this basis.
5. A night-time visit was requested by objectors to the proposals. I also visited the appeal site prior to the Inquiry in different weather conditions.

Decisions

6. Appeal A is dismissed.
7. Appeal B is allowed and planning permission is granted for residential development of up to 89 dwellings plus open space, biomass plant and access road (plus emergency access) at Land east of Gleaming Wood Drive, Lordswood, Kent ME5 in accordance with the terms of the application, Ref 15/503359OUT, dated 21 April 2015 and the plans submitted with it, subject to the conditions in Annex A.

Main Issues

8. The main issues in both appeals are as follows:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect on ancient woodland; and
 - The effect on biological diversity and protected species;

Reasons

The site and its surroundings

9. The appeal site consists of 2 fields in open agricultural land to the east of Lordswood (or Lords Wood), a residential area developed in the 1960s and 70s adjacent to Walderslade and on the southern edge of Chatham. The majority of this area lies within Medway Council district, only the southern part being in Maidstone. The M2 motorway forms a strong visual boundary to the southern edge of Lordswood and separates it from higher ground in the Kent Downs Area of Outstanding Natural Beauty (AONB). Gleaming Wood Drive follows the perimeter of the built up area and on its eastern side is lined with mature trees designated as Ancient Woodland (AW). The appeal site lies beyond this. The AW is also owned and under the control of the appellant.
10. The fields, 'A' to the north and 'B' to the south have been used for equestrian purposes in the past but are currently only partly used as paddocks and are run down, overgrazed and poorly maintained. They are separated visually from open agricultural land to the east and south by a small bund planted with a mixture of deciduous trees and an inner row of fast growing coniferous trees, now mature. As part of the application, a new access road would be created through the AW from Gleaming Wood Drive and another to connect areas 'A' and 'B'. It is agreed that the access roads in the proposal subject to appeal B follow routes that would involve less harm to established trees. The proposed

housing and a landscaped buffer area would be entirely contained within the open fields.

Planning policy

11. The development plan for the area consists of the saved policies of the Maidstone Borough-Wide Local Plan of 2000 (LP). The relevant policies referred to in the reasons for refusal are ENV28 and ENV35, though ENV6, ENV27, ENV49, T13, T21 and T23 are also applicable to varying degrees. ENV28 seeks to prevent harm to the character and appearance of the countryside and ENV35 defines and aims to maintain open space and the character of the landscape in Areas of Local Landscape Importance (ALLI) one of which is *Capstone, Darland and Lidsing*, within which the appeal site lies.
12. The Council acknowledges that it falls well short of a 5 year housing supply as required by paragraph 47 of the National Planning Policy Framework (the Framework) of 2012¹. Paragraph 49 says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. At the Inquiry, the Council agreed that insofar as policies ENV28 and ENV35 are relevant to the supply of housing, they are out of date. In particular, there is no recognition of any balance to be struck in assessing the merits of development in the wording of ENV28; and the concept of the ALLI as a local designation is now discouraged; for some years, Government guidance has indicated that landscape protection, if justified, should be based on objective landscape character assessments rather than 'qualitative' perception.
13. A new emerging LP is in the course of preparation and is the subject of consultation. Landscapes of local value are proposed to be designated, but do not include the area around the appeal site. In view of its early stage in the process towards adoption, it carries limited weight.
14. Other policies of the Framework are relevant. Paragraph 109 indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils, amongst other objectives. The AW is clearly valued as a contributor to landscape quality, even though not strictly a landscape designation in itself. Paragraph 118 sets out Government policy on AW, biological diversity and habitats.
15. Where policies are out of date, paragraph 14 of the Framework says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Character and appearance

16. The site lies on the edge of countryside which forms a gap between Lordswood and Hempstead to the east, but the gap between these settlements has no planning status or policy protection in the LP. It falls within the Local Landscape Character Type (LCT) *Dry Valleys and Downs* and the *Bredhurst and Stockbury Downs* Landscape Character Area (LCA) 1 in the Maidstone Landscape Character Assessment of 2012, as amended in 2013. Key characteristics of this LCA include a mixture of arable fields, paddocks, remnant

¹ Estimated to be between 2.1 and 3.3 years

orchards and small to medium blocks of woodland in an irregular pattern. The landscape description in this document records that the north western corner includes large blocks of Walderslade suburbs in between woodland. The variety of flora and fauna supported by AW is noted.

17. The AW forms a strong visual barrier between suburban development and open farmland. It is criss-crossed by informal footpaths and a public right of way (PROW) which provide links to Sindals Lane (PROW ref KH37), which connects Kirkdale Close to the north and Westfield Sole Road and Lidsing to the south and east. There is no fence or barrier to prevent public access to the AW and plenty of evidence of fly-tipping and use for recreation including dog walking and other activities. The overall condition assessment is 'poor' for the whole LCA, with moderate sensitivity; guidelines are to 'restore and improve' including avoiding further built development which is out of character in terms of materials and design; conserve the blocks of AW; restore and improve the woodlands by improving management within historical coppice and introducing greater structural diversity; and reduce overgrazing, removing rubbish and discouraging fly-tipping. The AW within the site is acknowledged to have been maintained by coppicing in the past but there is currently no active management, nor any prospect of any taking place.
18. Residential development beyond the AW in the gap would appear out of character in landscape terms; it would be a small isolated pocket of suburban development unlike any other part of Lordswood. Apart from tall conifers (which are to be removed) and the planted artificial bund, there is no strong landscape feature that separates fields A and B from more open arable countryside to the east. The lack of visual connection between Lordswood and the proposed development site would reinforce this sense of separateness. It is noted that the site is given a high sensitivity in the latest site assessment². However, there are mitigating factors that would reduce the harm. The existing mixed planting on the bunds would be reinforced with local species and the conifers removed, which in a short time would serve to largely conceal housing development from the south and east, even in winter. The new 'boundary' to the east along Sindals Lane would be a natural extension of existing development in Medway to the north in Wheatfields and Barrowfields and would be an extension to North Dane Way for people who already use this route on foot or bicycle. Importantly, all the AW including Cowbeck Wood south of Westfield Sole Road would be managed and maintained.
19. Moreover, the proposed density of the schemes of 21 dwellings per hectare (dw/ha) would be substantially less than that in Lordswood³. The new main access in either scheme, whilst introducing a short break in the woodland facing Gleaming Wood Drive, would not seriously compromise the perception of the woodland as an attractive feature. Nor would the introduction of a footway along a small part of Gleaming Wood Drive accessing a bus stop, seriously affect appreciation of the AW.
20. I have taken account of the potential for public and private artificial lighting to detract from the character of the area. The extent of dark skies is already affected by lighting on the M2, traffic generally, and residential areas in Lordswood and Hempstead as well as by farm buildings and other semi-industrial and retail uses that exist in the area. In the prevailing circumstances,

² SHEDLAA Landscape Capacity Study Site Assessments reference HO-146

³ See 2013 Design and Access Statements pp20/21

the small additional amount of additional lighting that would arise from using shielded lighting columns and/or bollards plus domestic lighting would not make a significant difference. The type of fittings used for public lighting can be controlled by imposing a suitable planning condition.

21. Development of these 2 plots and 9 other nearby sites for housing formed part of the Council's submissions to the Local Plan Inquiry in 1998, involving much more significant areas of felling of AW. The plan Inspector recommended that the sites were not included in the housing allocation at that time on landscape grounds and the loss of screening that would occur. The current proposals involve a small part of that suggested allocation. In the meantime the planting on the bund has significantly improved and the AW has deteriorated. Less than 2% of AW on the site would be removed to provide access. The scheme subject to appeal B would involve significantly less impact on existing trees. Nevertheless, the site is outside the development boundary in an area appreciated and enjoyed as countryside. I conclude that the resulting degree of harm to the character of the area, mitigated as explained above, needs to be considered in the balance.

Ancient woodland

22. The Framework states at paragraph 118 that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including AW and the loss of aged or veteran trees found outside AW, unless the need for, and benefits of, the development in that location clearly outweigh the loss. AW is irreplaceable and an important ecological resource. The Standing Advice for Ancient Woodland and Veteran Trees published by Natural England and the Forestry Commission sets out aims in relation to ancient woodland and veteran trees, reflecting the Government's policy framework:
- Protection and maintenance of the ancient woodland resource as an irreplaceable biological and cultural asset;
 - Improvement in the condition of our tree and woodland resource through sensitive sustainable management, including restoration of Plantations on Ancient Woodland Sites (PAWS) to native woodlands; and
 - Protection of veteran trees.
23. The AW in this case, which has traditionally been coppiced, has not been managed for a considerable time and it is common ground that selective coppicing and felling on a rotational basis would be beneficial for its long term health and future biodiversity. The proposal in this case is that the products of woodland management would be chipped and dried on site and used to provide local heat and hot water in a biomass installation serving 6-8 of the new dwellings, possibly more. The supply of raw material would be supplemented as necessary by arrangements with other local landowners whose woods need ongoing maintenance. Providing the biomass plant can be assured, the Council concurs that this would be a sustainability benefit.
24. The Council is concerned that a 15 metre (m) buffer between the proposed gardens of houses and the AW would be insufficient to prevent incursion for dog walking, the dumping of waste, trampling and general disturbance that would be harmful. I give limited weight to the appellant's idea that future

residents would be able to effectively manage this by 'shaming' bad behaviour. That could work in small areas but barrier planting, temporary or permanent fencing and channelling of pedestrians on to specific routes is more likely to be effective, if supported by means of a management plan for the AW and common areas. There would be an increased degree of overlooking that is likely to deter future fly-tipping. In the round, it is extremely unlikely that either proposal would lead to more harm to the AW by surrounding residents than is occurring at present. Local people point to the failure of the landowner to carry out maintenance over many years and I accept that without any financial incentive or a ready market for timber products, many woodland areas are unmaintained without any management strategy. Such areas retain biodiversity interest but have considerable potential for enhancement.

25. In the appeal B scheme, a few trees would need to be removed to create the access roads but none would be category A⁴. In contrast, 13 category A trees would be removed in the appeal A proposal. Where necessary, roots could be bridged to ensure that trees can continue to thrive (this is proposed in respect of T30, a category B beech tree). I saw at the site visit that some coppice stools would need to be relocated and this could be ensured by means of a suitable planning condition. The loss of some trees and soil under the access roads is regrettable and constitutes harm, but this small loss is outweighed by the benefits of management to the overall area of AW. In consequence, the test in paragraph 118 of the Framework is satisfied.

Biological diversity and protected species

26. For the reasons outlined above, a woodland management plan would also improve and restore the large area of remaining AW in terms of biological diversity.
27. European protected species in the form of bats and dormice have been shown to exist on the site. A nest tube was found to contain a female dormouse with young, and bats forage along the bunds and are likely to roost in the AW. Whilst none of the dormice were found in areas where new housing is proposed, it is to be expected that new development of housing is likely to increase the level of threat to them because of the potential for disturbance of hibernation nests and predation by cats. The creation of access roads could also discourage movement between forage areas which would be undesirable, bearing in mind that in the introduction to the Framework, the Secretary of State hopes that 'species that have been isolated can be reconnected'. Bats' foraging and roosting habits are likely to be affected by artificial lighting.
28. In mitigation, the selective felling and management of the AW would improve foraging and hibernation conditions for dormice and other protected species because the foremost objective of the management plan would be the promotion of biological diversity, not the production of biomass or public access. The access roads can be bridged by existing trees knitted together or an artificial dormouse bridge to provide aerial connectivity. These measures alone are likely to improve conditions for dormice compared to the uncontrolled woodland environment that exists at present. The public lighting of the scheme can be designed to be sympathetic to foraging bats and the impact of private lighting would in my view be offset by the improved planting on the eastern and southern boundaries and the general increase in prey that would

⁴ Trees of high quality and value, likely to contribute a further 40+ years

arise due to an increased level of biodiversity in the woodland. It has not been shown that, with these measures, there would be a detrimental effect on protected species.

Other matters

29. Medway Council informed the Inquiry of a concurrent application for housing at Trafalgar Farm to the north of the appeal site and their concern that the appeal proposals could form a precedent. However that scheme is on a substantially larger site in a different landscape context and with different levels of screening and visibility. I have no information on any of the planning merits of that scheme and it was acknowledged that Medway local plan policies⁵ are also of considerable age. It is difficult to see how housing in Maidstone off Gleaming Wood Drive would influence Medway's deliberations in any significant way.
30. A signed and dated S106 UU has been provided. This ensures that the following aims would be achieved:
- a) to pay a contribution towards improved primary healthcare facilities at Lordswood Community Health Living Centre;
 - b) to pay contributions towards employment training and workforce development (or provide a scheme as part of the development); additional classrooms and dining rooms at Greenacre Boys School and Walderslade Girls School; expanding play equipment at Lordswood Leisure Centre; improved IT and education facilities at Hook Meadow Community Centre; and towards the development of a green way open space between the appeal site and Lordswood Leisure Centre;
 - c) provision for 40% of the dwellings to be constructed as affordable housing of a mix and tenure type to accord with the relevant policies of the Council at the reserved matters stage;
 - d) to put in place a Woodland Management Plan with 18 specific objectives, prior to any commencement;
 - e) to put in place a Biomass Energy Delivery Plan including a 30 year maintenance schedule and details of funding, the numbers of dwellings to be served and the source or sources of sustainable feedstock.
31. Whilst there would be open space provided on the development including a play area and buffer strips, the development will generate trips to and from local facilities such as schools and the leisure centre in Medway where additional demand will be created. As such the £80000 requested to improve play equipment there is specific and reasonable. On the other hand, the proposal to use £76954 for development of a greenway open space is unsupported by any policy document supplied at the Inquiry nor, as far as can be ascertained, is there a firm proposal for such a project. Whilst it would be desirable to enhance the pedestrian links (along an existing byway open to all traffic) to the leisure centre, there is no assurance that the money would be sufficient on its own or would actually be used for this purpose within a reasonable time. Except for this element, having regard to the Maidstone Affordable Housing Development Plan Document of 2006⁶ and the Medway

⁵ In Ms Bloomfield's appendices

⁶ Core Document E23

Council Guide to Developer Contributions of 2014⁷, the S106 would secure affordable housing and financial contributions necessary to make the schemes acceptable.

32. With this caveat, I conclude that the provisions of the undertaking are directly related to the proposed developments, fairly and reasonably related in scale and kind, and would be necessary to make them acceptable. They meet the tests set out in Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (2010). Following a discussion at the Inquiry, there is no suggestion that more than 5 payments have been made to any of the objectives set out and I conclude that the requirements of Regulation 123 and Planning Policy Guidance⁸ (PPG) have also been satisfied. As such I give the S106 substantial weight.
33. I have considered the likely height and visibility of the biomass boiler flue. At 15m, this would be generally equal to or below the height of nearby trees in the AW. Whilst it may be visible over bund planting from some locations in the open countryside to the east, it would not seriously detract from the general impression of a rural environment with existing farm buildings, other activities and roads.
34. I have taken account of all the other matters raised including traffic levels. The number of vehicle journeys generated by this proposal would represent only a very small proportion of journeys on the local network; no objection is raised by the Highways Authority. A Tree Preservation Order has been initiated by the Council but this has been objected to on procedural grounds and is not confirmed; in any case, it would not, in itself, prevent development that has advantages that clearly outweigh any loss.
35. Since the Inquiry closed, my attention has been drawn to decisions by the Secretary of State allowing appeals against refusal of permission for a scheme comprising up to 500 dwellings by Maidstone Council and Tonbridge and Malling Borough Council⁹ on a site east of Hermitage Lane in a different part of Maidstone. Comments were invited from the Council. In that case, the Secretary of State decided that a loss of 0.03 ha or 1.8% of a dedicated area of AW would infringe the requirements of policy H12, which is a specific housing allocation policy which addresses the land east of Hermitage Lane, but would be justifiable given the need for and benefits of development in that location. Not all of the details of those applications are available to me, in particular the nature of the woodland itself and the details of how its management and ecology would be improved. The loss of AW there would have facilitated access to 80 dwellings out of the total. I note that the 2000 LP allocated the site for 380 dwellings and the emerging LP, although carrying little weight, also allocates the northern field for 500 dwellings. Objections remain to the emerging plan. Overall, I do not find that the decisions in those cases form a precedent or provide any clear guidance for the site at Gleaming Wood Drive.

Overall balance

36. The degree of harm to landscape and visual amenity would be limited due to the location of the site near the Lordswood built-up area, the lower density of

⁷ Doc 10

⁸ Ref ID: 25-093-20140612 and following

⁹ Refs APP/U2235/A/14/2226326 and APP/H2265/A/14/2226327

the scheme compared to Lordswood and the enhanced screening that would separate it from adjacent countryside. The proposed eastern boundary line along Sindals Lane would also be consistent with existing development to the north in Medway and would be logical in terms of countryside character and visual amenity. It would not significantly affect the perception of a gap between settlements.

37. The harm that could occur to AW due to the access roads and potential for disturbance would be outweighed by the resumption of management of all the AW on the site, amounting to 12.7 ha, which would reinforce biodiversity interest and help to reduce fly-tipping and other unofficial uses. The loss due to the access roads would amount to about 0.16 ha, around 0.04% of the Parish level resource and 1.32% of the AW on the site. The potential for harm to protected species would be significantly mitigated by the improvement in the quality of the AW brought about by enhancement to planting on the bunds, selective felling, coppicing and by the implementation of a management strategy with nature conservation interests at its heart. That includes specific measures to support bats and dormice including monitoring.
38. The site location is sustainable in terms of access to transport, schools, health services and shops. The sustainability credentials of either scheme would be enhanced because timber would be harvested locally to be used in a biomass energy facility leading to a reduction in CO₂ emissions from fossil fuels.
39. The social and economic benefits of the new housing would be very significant. The scheme would include a useful and important contribution to the stock of affordable housing in Maidstone. Considering this as well as the benefits to AW and mitigation in respect of protected species, it has not been shown that the adverse impacts of granting permission in terms of harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits. The need for, and benefits of, the development in this location clearly outweigh the limited level of harm that would occur.
40. In these circumstances, the development subject of appeal B would comply with the aims of the Framework at paragraphs 109 and 118; and paragraph 14 indicates that planning permission should be granted. Given the identical benefits in terms of housing supply, the greater harm to AW in the proposal subject of appeal A, indicates that it should be dismissed.

Conditions

41. I have considered the suggested conditions in the light of paragraph 206 of the Framework, planning guidance and Appendix A to Circular 11/95 *The Use of Conditions in Planning Permission: Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances*. They have been adapted in accordance with the recommendations therein where appropriate, to ensure the wording is precise, necessary, relevant and enforceable. The wording has also been altered in accordance with comments received at the Inquiry.
42. The usual outline planning conditions are imposed. The road access to the site and the access between blocks 'A' and 'B' need to be ensured at the outline stage in order to protect AW as far as possible; completion of highway works is also necessary before any dwelling is occupied. External materials need to be controlled in order that the appearance of the dwellings and biomass boiler building blend as far as possible into the woodland setting in line with the aims

of the Design and Access Statement. An Arboricultural Method Statement and Tree Protection Plan together with a Woodland Management Plan (the long term objectives of which are ensured by the S106 UU) are necessary to provide the protection, care and maintenance necessary in the AW and bund areas. The details of boundary treatment and buffer area treatment need to be assured for the same reason.

43. A restriction on permitted development is necessary in order to prevent a proliferation of built development in this countryside fringe area. An Ecological Design Strategy ensures that species surveys are updated and measures put in place for their protection and future health. A Construction Environmental Management Plan places responsibilities on those undertaking the construction process to protect AW; in view of the responsibilities placed on contractors by the Construction (Design and Management) Regulations 2015, no other construction management activity needs to be controlled at this stage. In view of the proximity of the M2 and the likely proximity of the biomass boiler and chipping and drying facility to dwellings, acoustic and air quality appraisals are necessary to identify any measures necessary to protect future occupiers. Control over external lighting, an emergency access, bird and bat boxes/bricks is necessary at this stage for reasons of biological diversity and emergency escape purposes.
44. It is important that no unnecessary drainage is dug through the AW and at the Inquiry, it was established that mains drainage exists in Sindals Lane to the east of the site. A condition is necessary to ensure that drainage does not detrimentally affect the AW. Existing fly-tipping on site necessitates a contamination condition to avoid risks to construction operatives and future residents. Protection of parking and turning areas for those purposes is necessary in the interests of character and appearance and highway safety. Archaeological interest in the area makes a watching brief necessary. In view of the outline status of the application and condition 4, only the layout drawings need to be specified at this stage to identify the site area, in the interests of the avoidance of doubt and in the interests of proper planning.

Conclusion

45. For all these reasons, the benefits of the scheme subject of appeal B significantly and demonstrably outweigh the disadvantages, and it should be allowed. The scheme subject of appeal A is less sensitive to the AW and must be dismissed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Megan Thomas	Of Counsel, instructed by John Scarborough, Maidstone Borough Council
She called	
Rupert Lovell BSc MA CMLI	Jacobs UK Ltd
Helen Forster BSc(Hons) MCIEEM	Biodiversity Officer, Kent County Council
Majid Harouni BATP MSc	Principal Planner, Maidstone Borough Council

FOR THE APPELLANT:

Richard Turney	Of Counsel, instructed by Kingsley Smith Solicitors LLP
He called	
Jago Keen MICF Arb Assoc	Ian Keen Ltd
Penelope Stephens BA(Hons) DipLA CMLI MAUD	Decimus Designs
Dominic Woodfield CEcol CEnv MCIEEM	Bioscan (UK) Ltd
Anna Bloomfield BA(Hons) MRTPI	Bloomfields

INTERESTED PERSONS:

Nick Gallavin BSc(Hons)	Arboriculturalist, Landscape Team, MBC
Douglas Coleman BATP MRTPI	Medway Council
Cllr Mrs Wendy Hinder	MBC, Boxley Ward
Pauline Bowdery	Clerk to Boxley Parish Council

DOCUMENTS

- 1 Letter from J E Brice dated 18 September 2015
- 2 Signed statement of common ground
- 3 Maidstone Borough-wide Deposit Plan May 1997, supplied by the Council
- 4 Secretary of State Decision ref APP/W2275/V/11/2158341, supplied by the appellant
- 5 Notification letter
- 6 Document list
- 7 Extract from PPG ref 8-020-20140306 updated 6 March 2014, supplied by the Council 'How can I find out if an area is 'ancient woodland?'
- 8 Summary of proof of evidence of Majid Harouni
- 9 Submission from M A Wade
- 10 Medway Council Guide to Developer Contributions, supplied by Mr Coleman
- 11 Extract from Maidstone Proposals Map
- 12 NHS Property Services comments on 15/503359OUT, supplied by the Council
- 13 Maidstone Borough Local Plan regulation 18 Consultation 2015, supplied by the Council

14	Submission from Boxley Parish Council
15	Contributions sought by Medway Council
16	Signed and dated Unilateral Undertaking

Annex A

Schedule of 24 conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Notwithstanding condition 1, the access to the site from Gleaming Wood Drive and the access between sites 'A' and 'B' shall be carried out in accordance with drawings ref 12-086-011 Rev D and 12-086-013 Rev B.
- 5) No development shall take place until details 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. Development shall be carried out in accordance with the approved details.
- 6) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of all trees to be retained and removed, any facilitation pruning required and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations' has been submitted to and approved in writing by the local planning authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. The measures set out in the AMS and TPP shall be adhered to in accordance with the approved details.

- 7) The development shall not commence until a Woodland Management Plan (WMP) for the areas W1-W9 on Bioscan report E1739R1 has been put in place in accordance with details to be agreed in writing by the local planning authority. The measures set out in the WMP shall be adhered to in accordance with the approved details.
- 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. The housing areas and buffer zones shall be implemented in full in accordance with the approved details before the first occupation of any of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in writing by the local planning authority. All boundary treatments and buffer zones to be installed within the ancient woodland shall be carried out in accordance with the approved details.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A–H (inclusive) to that Order shall be carried out.
- 10) No works shall take place (including demolition, ground works and vegetation clearance) until an updated species survey has been carried out to inform production of an Ecological Design Strategy (EDS) addressing all species mitigation for all species recorded within the site has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

 - a) Purpose and conservation objectives for the proposed works; and
 - b) Review of site potential and constraints; and
 - c) Detailed method statements to achieve stated objectives for each species; and
 - d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans; and
 - e) Type and source of materials to be used where appropriate, for example native species of local provenance; and
 - f) Timetable for implementation demonstrating that works are aligned with the proposed programme of development; and
 - g) Persons responsible for implementing the works; and
 - h) Details of initial aftercare and long term maintenance; and
 - i) Details for monitoring and remedial measures; and
 - j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and retained thereafter.
- 11) No part of the development hereby granted (including demolition, ground works and vegetation clearance) shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been

submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Details of the areas where ancient woodland soil and coppiced stools are to be translocated and method statement for translocation;
- b) Risk assessment of potentially damaging construction activities;
- c) Identification of biodiversity protection zones;
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) Provisions for the removal of all fly-tipped material and any necessary restitution of the AW before any other works take place.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 12) Before the development hereby approved commences an acoustic appraisal specifying attenuation measures (where necessary) shall be submitted for approval in writing by the local planning authority. No dwelling shall be occupied until the approved attenuation measures have first been installed in accordance with the approved details. The approved attenuation measures shall be maintained and retained thereafter.
- 13) The development shall not be commenced until an Air Quality report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
 - 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 - 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the air pollution of the development when in occupation. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the development and maintained thereafter.

- 14) No development shall commence until details of the biomass plant installation have been submitted to and approved in writing by the local planning authority. Details should include:
- Estimated maximum emission rates in(g/sec) of NO_x and PM₁₀ relevant to the selected combustion source (eg. pellet, chips etc.);
 - Specifications and description of the combustion appliance, thermal rating/power output;
 - Building height, height and diameter of associated stack, which shall not exceed 15m above adjacent ground level;
 - Distance and height of any nearby building within 5 times the stack height above ground;
 - Details of the delivery of the fuels to the site and waste removal from the site;
- The solid biomass boiler shall not exceed the following minimum emissions standards: 180 mgNO_x/Nm³ and 15 mgPM/Nm³.
- The installation shall be carried out in accordance with the approved details.
- 15) No external lighting shall be installed on any part of the site without details and specifications being approved in writing by the local planning authority. Lighting shall only be installed in accordance with the approved details and shall be maintained and retained as such thereafter.
- 16) Development shall not begin until details of an emergency access have been submitted and approved in writing by the local planning authority. The approved emergency access shall be made available prior to the first occupation of any dwelling.
- 17) No development shall take place until details of measures to provide for the installation of bat boxes/bricks and bird boxes/bricks within the site, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.
- 18) No development shall take place until details of foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details. No dwelling shall be occupied until adequate foul water drainage has been provided.
- 19) No development shall take place until details of the implementation, maintenance and management of a sustainable surface water drainage scheme have been submitted to and approved 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 scheme throughout its lifetime.

- 20) If during the course of development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a remediation strategy detailing how the contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.
- 21) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 22) No dwelling shall be occupied until all highway works including provision of the access onto Gleaming wood Drive have first been provided in accordance with details submitted and approved pursuant to condition 1 above.
- 23) Parking/turning areas submitted and approved pursuant to condition 1 above shall be available for use before first occupation of any part of the development to which they relate. They shall thereafter be kept available for such use.
- 24) The development hereby permitted shall be carried out in accordance with the following approved indicative plans:

Location Plan Drg No. PL003 Revs 12 and 13
Block Plan Drg No. PL002 Rev 12
Master Plan Drg No. PL001 Rev 12