

WITHOUT PREJUDICE- The Council and the Appellants reserves the right to amend or add suggested conditions in regard of matters arising during exchange of proofs or during the Public Inquiry itself

Draft Version 1

Note – following track changes proposed by the Appellants on 28th Jan and MBC on 29th.

	Suggested Condition	Appellant Comments	LPA Response
1.	<p>Time Limit</p> <p>No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority:</p> <ol style="list-style-type: none"> 1. Scale 2. Layout 3. Appearance 4. Landscaping <p>Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.</p> <p>Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.</p>	<p>Agreed Condition</p>	
2.	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in <u>general</u> accordance with the following plans;</p> <ol style="list-style-type: none"> 1. Site Location Plan 01c Application Boundary Plan 2. Proposed Highway and Footway Scheme 20472-03D 3. Site Access Vehicle Tracking 20472-03-1D 4. Visibility Splays 20472-03-2ED 5. Visibility Splays (with Highway Boundary Overlay) 20472-03-3E <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>	<p><u>Suggested amendment to include 'general' accordance</u></p> <p><u>Rev E Vis splay drawings</u></p>	<p><u>agreed</u></p>
3.	<p>Green Infrastructure Plan</p>	<p><u>Suggested amendments</u></p>	<p><u>agreed</u></p>

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	<p>The first submission of Reserved Matters submitted pursuant to Condition (1) shall be accompanied by a Green Infrastructure Plan that shall generally accord with Framework Plan 01 FWP-01-MP-01 to inform the proposed layout and landscaping with the following indicated:</p> <ul style="list-style-type: none"> -Built development shall be set back from Moat Road and the western boundary -Lower densities and built form on the western portion of the site to reflect its adjacency to open countryside. - The layout and form of buildings shall be designed to mitigate the rising topography -East west landscaping introduced to break up the overall visual massing. - Existing tree/hedgerow margins should be retained/enhanced -TPO trees to be respected and protected within the site or adjacent to boundaries. - The existing hedgerow fronting Moat Road shall be retained and enhanced <u>where possible.</u> and the impacts of any access junction <u>shall be</u> minimised and mitigated. -Vehicular access routes within the development shall feature tree planting. <p>Reason: To reflect the requirements of the allocation policy LPRSA310 and due to the landscape sensitivity of the site.</p>		
<p>4. Play Areas</p>	<p>No more than 50 dwellings hereby permitted shall be occupied until suitable open space provision for children and young people in line with Local Plan Review 2021-2038 policy LPRINF1 has shall be been made on site, in accordance with a scheme <u>and timetable</u> which shall previously have been submitted to and agreed in writing by the local planning authority. <u>The timetable shall ensure a Local Area for Play for under 5's is provided prior to the occupation of 20 dwellings and a Local Equipped Area for Play is provided prior to the occupation of 50 dwellings.</u></p> <p>Reason: To provide for the recreational needs generated by the development.</p>	<p><u>Could this have a later occupation date? No more than 50 dwellings</u></p>	<p><u>Triggers revised</u></p>
<p>5. Number of Dwellings</p>	<p>The development hereby permitted shall comprise not more than 115 dwellings. Reason: To accord with the terms of the application.</p>	<p><u>Agreed Condition</u></p>	
<p>6. Height Limit</p>	<p>The reserved matters submitted pursuant to Condition (1) shall show all dwellings being a maximum of 2 storeys Reason: To ensure that detailed proposals accord generally with the principles considered to be important at the outline application stage.</p>	<p><u>Condition not required refer to para 178 of Marden appeal: "Given the proposal is in outline, with reference to NPPF paragraph 56, there is no necessity of imposing conditions proposed by MBC related to height limits,</u></p>	<p><u>The Design and Access Statement is a requirement for an outline planning application and it specifically details a maximum of 2 storeys.</u></p>

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		materials, design quality, landscaping, boundary treatments, secured by design or an open space strategy. For clarity, that does not indicate that simply that their consideration falls squarely to reserved matters applications.”	
7. ▲	<p>Access</p> <p>Other than works related to this condition, no development hereby permitted shall take place until access to the site via Moat Road has been provided in accordance with drawing 20472-03-1 D.</p> <p>Once provided and made available for use, access shall thereafter be retained and visibility splays maintained such that there is no obstruction to visibility within them more than 1m above adjacent carriageway level, or 0.6m above adjacent carriageway level where there is a footway present within them.</p> <p>Reason: An access with adequate tracking, radii and visibility splays is required before commencement of the dwellings to ensure highway safety during the construction period.</p>	Agreed Condition	
8. ▲	<p>Crossing</p> <p>The development shall not be occupied until controlled crossing facilities at the Moat Road/Kings Road junction have been completed and brought into use in accordance with drawing number: 20472-04 Rev A (Nov 23) titled 'Proposed Pedestrian Crossing' or an alternative drawing submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p>	Agreed Condition	
9. ▲	<p>Access</p> <p>The development shall not be occupied until the following off-site highways works to Moat Road have been provided in full</p> <ul style="list-style-type: none"> - Pedestrian/cyclist access into the site from Moat Road. - A new footway scheme in accordance with 20472-03 D . 	Agreed Condition	

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	The visibility splays shall be maintained with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access. Reason: In the interests of highway safety		
10.	Archaeology 1 Prior to commencement of development there shall be (i) archaeological field evaluation works in accordance with a specification and written timetable that have been submitted to and approved by the Local Planning Authority; (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.	Agreed Condition	
11.	Archaeology 2 <u>Prior to occupation, a written specification and timetable for a programme of archaeological post excavation and publication work will have been submitted to and approved by the Local Planning Authority.</u> <u>Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF.</u> Prior to occupation, there shall be a programme of archaeological post excavation and publication work in accordance with a written specification and timetable that have been submitted to and approved by the Local Planning Authority. Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF.	<u>Note suggested revised wording.</u>	<u>agreed</u>
12.	Archaeology 3 Prior to commencement of development, details and a <u>written scope and timetable of a ROC Archaeological Conservation and Management Strategy</u> to secure the long term <u>conservation preservation in situ</u> and interpretation of the <u>below ground remains of the</u> Royal Observer Corps (ROC) post shall be submitted to and approved by the Local Planning Authority. The measures shall be implemented as approved and the ROC post retained in situ thereafter. Reason: To ensure community awareness and understanding of a heritage asset.	<u>Note suggested revised wording.</u>	<u>agreed</u>
13.	Archaeology 4 <u>Prior to commencement of development, the replacement of the Granary, appropriate recording of other structures present and appropriate on site interpretation of Moat Farm</u>	<u>Amendments suggested</u>	<u>agreed</u>

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	<p>in accordance with a written scope with timetable, which has been submitted to and approved by the Local Planning Authority. Prior to commencement of development, a Moat Farm Conservation and Landscape Management Strategy for the targeted conservation and interpretation of Moat Farm shall be submitted to and approved by the Local Planning Authority. The approved strategy and timetable shall be implemented.</p> <p>Reason: To ensure community awareness, understanding and enjoyment of The Moat farm surviving heritage assets, including the moat feeder pond.</p>		
<p>14.</p>	<p>Surface Water Drainage 1-</p> <p>No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the principles of the Flood Risk Assessment ref 680350-R1(5)-FRA dec 2023 prepared by RSK LDE Ltd has been submitted to and approved in writing by the local planning authority.</p> <p>It shall include an assessment of all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm). The submitted details shall:</p> <ul style="list-style-type: none"> 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, iii) 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. iv) It shall demonstrate (with reference to published guidance) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. v) It shall include appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. <ul style="list-style-type: none"> i) The attenuation basin will be designed to hold water year round <p>The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.</p> <p>Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.</p>	<p>Agreed Condition</p>	
<p>15.</p>	<p>Surface Water Verification</p>	<p>Agreed Condition</p>	

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	<p>No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.</p> <p>Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.</p>		
16.▲	<p>Construction Method Statement</p> <p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:</p> <ul style="list-style-type: none"> i) the on-site parking of vehicles of site operatives and visitors; ii) the on-site loading and unloading of plant and materials; iv) the on-on site storage of plant and materials used in constructing the development; vi) measures to control the emission of dust and dirt during construction; vii) Timing of deliveries <p>The approved Construction Method Statement shall be adhered to throughout the construction period for the development.</p> <p>Reason. In the interest of the free flow of traffic on Moat Road and local amenity.</p>	Agreed Condition	
17.▲	<p>Levels</p> <p>No development shall take place until details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible, but where clearly justified, should be kept to the minimum height necessary. The development shall be completed in accordance with the approved details.</p> <p>Reason: In order to secure a satisfactory form of development having regard to the topography of the site</p>	Agreed Condition	
18.▲	<p>Biodiversity Net Gain Uplift</p> <p>No development shall take place until a Biodiversity Gain Plan (BGP) and Habitat Management and Monitoring Plan (the HMMP) to ensure a minimum 20% net gain in</p>	<p>Is the monitoring required by this condition when already included as</p>	<p>agreed</p>

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<p>habitat types on the site (has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The Biodiversity Gain Plan shall include:</p> <ul style="list-style-type: none"> a) Detailed proposals for biodiversity net gain which shall include information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat b) the pre and post -development biodiversity value of the onsite habitat using the latest published statutory biodiversity metric tools and guides;; c) A Habitat Management and Monitoring Plan (HMMP) for maintaining the onsite () biodiversity net gain for a period of 30 years from completion of the development which shall include: <ul style="list-style-type: none"> (i) a non-technical summary; (ii) the roles and responsibilities of the people or organisation(s) delivering the HMMP; (iii) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (iv) the management <u>and monitoring</u> measures to maintain habitat in accordance with the approved Biodiversity Gain Plan (as well as the management measures required as part of the approved Ecological Design Strategy for protected and priority species) for a period of 30 years (to align with years 2, 5, 10, 15, 20, and 25) from the completion of development; and (v) the monitoring methodology and frequency in respect of the created or enhanced habitat (as well as that monitoring required as part of the approved EDS for protected and priority species) to be submitted to the local planning authority. <p>The development shall be implemented in full accordance with the requirements of the approved HMMP and BGP.</p> <p>Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been completed.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. These monitoring reports shall seek approval from the local planning authority for any necessary remedial measures if retained and created habitats are not achieving the necessary targeted biodiversity net gains, including in relation to mitigation and/or compensation measures</p>	<p><u>part of the HMMP?</u> <u>Suggest deletion of last paragraph</u></p>	
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	<p>for protected and priority species which can contribute to the biodiversity net gain up to no net loss.</p> <p>Reason: To ensure measurable net gains to biodiversity and in accordance with policy LPRSP14(A) and the Biodiversity Gain Hierarchy</p>		
<p>19. Materials</p>	<p>Above ground construction work on the approved buildings of 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. The submitted details shall accord with the principles within the Design and Access Statement with reference to the use of local materials that reflect the character of Headcorn and shall include weatherboarding, clay hanging and roof tiles and clay stock bricks.</p> <p>Reason: To ensure a satisfactory appearance to the development adjacent to and visible from the countryside</p>	<p><u>Condition not required refer to para 178 of Marden Appeal:</u></p> <p>▲ <u>"Given the proposal is in outline, with reference to NPPF paragraph 56, there is no necessity of imposing conditions proposed by MBC related to height limits, materials, design quality, landscaping, boundary treatments, secured by design or an open space strategy. For clarity, that does not indicate that falls squarely to reserved matters applications."</u></p>	<p><u>The Design and Access Statement is a requirement for an outline planning application and it specifically references external materials.</u></p>
<p>20. Design Quality</p>	<p>The details submitted in pursuance of Condition (1) shall include full details of the following matters to be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) new external joinery in the form of large scale drawings.</p> <p>b) details of eaves and roof overhangs in the form of large scale drawings</p> <p>c) details of balconies, projecting bays and porch canopies</p> <p>d) details of window headers and cills and door headers</p> <p>Reason: To ensure a satisfactory appearance to the development adjacent to and visible from the countryside</p>	<p><u>Condition not required refer to para 178 of Marden Appeal:</u></p> <p>▲ <u>"Given the proposal is in outline, with reference to NPPF paragraph 56, there is no necessity of imposing conditions proposed by MBC related to height limits, materials, design quality, landscaping, boundary treatments, secured by design or an open space strategy. For clarity, that</u></p>	<p><u>Agreed can be RM stage.</u></p>

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		does not indicate that falls squarely to reserved matters applications."	
21.	<p>Arboricultural Method Statement</p> <p>Reserved matters applications pursuant to condition 1 above shall include, or be accompanied by, an Arboricultural Method Statement ('AMS') in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction' or successor document (which shall be submitted to, and approved in writing by, the local planning authority). The AMS shall address any trees on or off site that may be affected by undertaking the development hereby permitted, and shall include details of:</p> <ul style="list-style-type: none"> (i) protective fencing and ground protection, (ii) any demolition, level changes and hardsurfacing (including in respect of access and footway provision), (iii) any foundations, services, utilities and drainage measures, (iv) appropriate working methods including in relation to site boundaries and any construction encroaching within trees root protection areas, (v) the timing, phasing and methodology of any arboricultural works, (vi) a tree protection plan, and (vii) measures to be taken in the eventuality that any trees intended to be retained are adversely affected as a result of undertaking the development hereby permitted (namely their replacement as soon as reasonably practicable). <p>The development hereby permitted shall be undertaken in accordance with the approved AMS.</p> <p>Reason: in the interests of visual amenity</p>	Agreed Condition	
22.	<p>Parking</p> <p>Details of vehicle parking/turning areas submitted under Condition (1) shall be completed as approved before the first occupation of the building to which they relate and all spaces shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or</p>	Agreed Condition	

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	<p>any other statutory provision, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.</p> <p>Reason: Development without adequate car parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.</p>		
23.	<p>Cycle parking</p> <p>No dwelling shall be occupied until secure and covered cycle storage relating to that dwelling has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall be retained thereafter.</p> <p>Reason: In the interests of sustainable travel</p>	Agreed Condition	
24.	<p>Landscape scheme</p> <p>No development above floor slab level shall take place until a detailed landscaping scheme, which shall be 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 include a planting specification and a 5 year management plan and include the following:</p> <p>a) Retention of existing trees and the provision of new native trees, shrubs, scrub and hedgerows across the site.</p> <p>b) The development shall be carried out in accordance with the approved details. No development above floor slab level shall take place until a detailed landscaping scheme, which shall be 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 include a planting specification and a 5 year management plan and include the following:</p> <p>a) Retention of existing trees and the provision of new native trees across the site frontage (including additional native tree pits):</p> <p>b) Provision of a native double staggered hedgerow across the site frontage and the perimeter of the site with approximately 45cm spacing and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance and setting to the development</p>	<p><u>Suggested amendments</u></p> <p><u>The original condition is too specific, and can be addressed via reserved matters.</u></p>	<p><u>Landscape is a Reserved Matter so the expectations of the LPA need to be referred to at outline stage.</u></p>
25.	<p>Landscape implementation</p> <p>The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the</p>	<p><u>Can this be included within the LEMP?</u></p>	<p><u>For simpler enforceability if breached this needs to</u></p>

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	<p>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.</p> <p>Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 10 year period is to mitigate the development of the site by strengthening the landscaping particularly where visibility from the public highway is greatest.</p>		<p>be a specific condition as drafted.</p>
<p>26. Boundary treatment</p>	<p>Prior to the occupation of the development hereby permitted, details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the related building is occupied.</p> <p>Reason: In the interests of visual amenity of the area and to ensure a satisfactory appearance to the development.</p>	<p>Agreed Condition</p>	
<p>27. Renewables</p>	<p>No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from renewable and/or low carbon energy sources has been submitted to and approved in writing by the local planning authority as part of the reserved matters submissions required by Condition (1). The approved scheme shall be implemented in accordance with the approved timetable and thereafter retained in operation.</p> <p>Reason: In the interests of securing low carbon energy and policy LPRQD1 of the Maidstone Borough Local Plan Review 2024.</p>	<p>Agreed Condition</p>	
<p>28. accessible and adaptable dwellings 1</p>	<p>The dwellings hereby permitted shall meet the accessible and adaptable dwellings standard as in the Building Regulations 2010 as amended (M4(2) as reflected in Approved Document M, 1 October 2024, or any successor document), and affordable dwellings the M4(3) wheelchair user dwellings standard in accordance with evidence from the local planning authority of a specific need.</p> <p>Reason: To ensure the development complies with policy LPRQD6 of the Maidstone Borough Local Plan Review 2024.</p>	<p>Agreed Condition</p>	

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<p>29. Secure by Design</p>	<p>The development hereby permitted shall incorporate measures to minimise the risk of crime. No development above slab level shall take place until details of such measures in line with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.</p> <p>Reason: To secure crime prevention and safety of the area</p>	<p>Not accepted. No policy criteria for this.</p>	<p><u>POLICY LPRSP15 – Principles Of Good Design-</u> <u>12. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;</u></p>
<p>30. External Lighting</p>	<p>No development hereby permitted shall be occupied or brought into use until a lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall accord with the approach in the Bat Conservation Trusts’ Guidance note 08/23: “Bats and artificial lighting at night” (or successor document). The lighting strategy shall include details of:</p> <ul style="list-style-type: none"> (i) The identification of areas/features on-site where disturbance could occur to roosting/nesting sites and/or foraging/commuting routes of any sensitive ecological receptor as determined by a suitably qualified ecologist) (ii) The provision of an appropriate plan(s) to show how and where external lighting will be installed; (iii) The provision of technical specifications for the external lighting; (iv) Any shielding, baffling or other measures to limit light spill. (v) The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes. <p>Where practicable illumination resulting from the development hereby permitted in respect of criterion i). of this condition should not exceed 0.5 Lux where practicable to avoid disturbance to wildlife activity.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy and no other or additional external lighting shall be installed.</p> <p>Reason: In the interests of biodiversity and rural amenity</p>	<p>Agreed Condition</p>	
<p>31. Open Space Strategy</p>	<p>As part of any relevant reserved matters application under Condition (1) a scheme for the phasing, delivery and future management of the proposed public open spaces shall be submitted to and approved by the Local Planning Authority. The details shall show</p>	<p>Agreed Condition</p>	

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	<p>open space totalling 3.26ha which shall not include the Emergency access/Secondary access nor adopted highway verge on Moat Road. The details shall show the following quantum of publicly accessible open space, which shall not include any parts of the eastern buffer between rear garden fences.</p> <ul style="list-style-type: none"> - no less than 0.8ha of Amenity Green Space incorporating appropriate children’s play space to meet the needs of the development. - 0.25ha of Community Gardens -no less than 1.9ha of natural and semi natural open space <p>Any surface water attenuation basins within the area proposed for natural and semi natural open space must be designed to hold water all year round.</p> <p>Reason: to ensure the provision and management of proposed open space and ensure compliance with Local Plan Policy LPRSA310 and LPRINF1.</p>		
32.	<p>Water Efficiency</p> <p>All dwellings hereby approved shall meet the higher level of water efficiency of 110 litres per person per day as set out under the Building Regulations Part G2 or any superseding standard. No dwelling shall be occupied unless this standard has been met for the dwelling.</p> <p>Reason: To ensure a sustainable form of development in accordance with policies LPRQD1 and LPRQD6 of the Local Plan Review.</p>	<p>Agreed Condition</p>	
33.	<p>Refuse and Bins</p> <p>The details submitted pursuant to Condition (1) shall include details of facilities for the storage of refuse on the site including “day of collection” areas and the approved facilities shall be provided before the first occupation of the dwelling to which they relate and retained thereafter.</p> <p>Reason: No such details have been submitted and in the interests of amenity.</p>	<p>Agreed Condition</p>	
34.	<p>Public Art</p> <p>Prior to the first occupation, a scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council’s Public Art Guidance 2017 shall be submitted to and approved by the Local Planning Authority. Should a piece of artwork be commissioned, it shall be installed thereafter as approved.</p> <p>Reason: To provide cultural benefits in accordance with Public Art Guidance first published in November 2017 and saved in regard of the Maidstone Borough Local Plan Review 2024.</p>	<p>Not accepted. Refer to Marden Appeal paragraph 176</p> <p>“There is no robust justification before me in respect of MBC’s proposed condition in relation to public art (and there is also no reference</p>	<p>LPR 2024</p> <p>2.13 There are a number of adopted supplementary planning documents (SPD) and planning advice notes which provide supplementary guidance to local and</p>

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		<p><u>to that in policy LPRSA295). Whilst MBC does have Public Art Guidance published in November 2017, that pre-dates the LPR and MBC's adoption of CIL. Nonetheless as landscaping is reserved, which incorporates both natural and semi-natural elements, there is nothing to indicate that an appropriate approach in this respect could not be arrived at if necessary."</u></p>	<p><u>national planning policies. The following SPDs and advice notes are saved:</u></p> <p><u>.....</u></p> <p><u>Public Art Guidance (2017);</u></p> <p><u>.....</u></p>
<p>35. Air Quality</p>	<p><u>No development hereby permitted other than site preparation and groundworks shall take place until an air quality scheme ('AQS') has been submitted to and approved in writing by the local planning authority. The AQS shall include an assessment of the effects of the development in relation to any Air Quality Management Area in Maidstone Borough Council's administrative area, and of any measures necessary to mitigate adverse effects directly related to the development proposed. The development shall accord with the approved AQS.</u></p> <p><u>The development shall not be commenced above slab level until a 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 an assessment of the effect that the development will have on the air quality of any Air Quality Management Area in the urban area of Maidstone and any scheme necessary for the mitigation of poor air quality arising from the development. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.</u></p> <p><u>Reason: in the interests of public health.</u></p>	<p><u>Suggested change</u></p>	<p><u>agreed</u></p>
<p>36. Contamination</p>	<p>The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have</p>	<p><u>This seems extensive given the status of the site and limited previous development. I suggest</u></p>	<p><u>Agricultural activities will involve contamination eg chemicals and fuels. The SE corner was an</u></p>

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	<p>been submitted to and approved, in writing, by the local planning authority:</p> <p>a) A preliminary risk assessment which has identified:</p> <ul style="list-style-type: none"> - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site. <p>b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (b). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>d) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (c). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.</p> <p>Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.</p> <p>Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.</p>	<p><u>condition 37 only is required</u></p>	<p><u>historic farmstead and a risk assessment is needed.</u></p>
<p>37.▲</p>	<p>Unforeseen contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site:</p> <p>(a) no further development (unless otherwise agreed with the LPA) shall be carried out until a revised remediation strategy detailing how this unforeseen contamination will be dealt with has been submitted to and approved by the LPA. The revised remediation strategy shall be implemented as approved.</p> <p>(b) prior to any part of the development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy(ies) and the effectiveness of the remediation. The report shall include details of:</p> <ul style="list-style-type: none"> • sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. 		

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	<ul style="list-style-type: none"> Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. <p>Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.</p>		
38.	<p>Landscape and Ecological Management Plan</p> <p>No development hereby permitted shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be informed by the Ecological Appraisal ref 6196 EcoAp vf4 /ND/ADB by Aspect Ecology , which shall also be supported by any updated ecological or arboricultural studies as necessary, shall include details of:</p> <ol style="list-style-type: none"> Description and evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management prescriptions for achieving aims and objectives; Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; Details of the body or organisation responsible for implementation of the plan, Ongoing monitoring and remedial measures. <u>Reference to any necessary mitigation licences or other relevant documents.</u> <u>Type and source of materials to be used where appropriate, e.g. native species of local provenance;</u> <u>Full details of how the public open space and ecological mitigation/compensation areas shall encourage the continued movement of desirable animals, but restrict the movement of predatory animals such as domestic cats.</u> <p>The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details and timetable.</p> <p>Reason: In the interest of long term ecological and landscape enhancement.</p>	<p>Agreed Condition</p>	<p><u>Added in text from the EDS condition.</u></p>
39.	<p>Travel Plan</p> <p>Prior to first occupation of the development, a travel plan to include measures to encourage use of public transport, walking and cycling with clear objectives and modal split targets, together with a programme of implementation and monitoring, shall be submitted to and approved in writing by the local planning authority, The approve Travel plan and thereafter operated in accordance with the approved programme of implementation.</p> <p>Reason: In the interests of sustainable travel.</p>	<p>Agreed Condition</p> <p><u>OR the matter could be addressed in the S106 (re: any monitoring fee)</u></p>	<p><u>A condition is always preferable to a s106 clause. Awaiting KCC confirming they require a Travel Plan.</u></p>

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<p>40. CEMP - biodiversity</p> <p>No development shall be undertaken (including any site/vegetation clearance) before a construction ecological management plan (CEMP - biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity shall be based on the mitigation and compensation measures detailed in Ecological Appraisal ref 6196 EcoAp vf4 /ND/ADB by Aspect Ecology. The CEMP – biodiversity shall include the following:</p> <ul style="list-style-type: none"> (i) Purpose and objectives for the proposed works; (ii) Risk assessment of potentially damaging construction activities. (iii) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs; (iv) Extent and location of ecology through integrated methods into the fabric of the buildings by means such as swift bricks, bat tubes and bee bricks, proposed works shown on appropriate scale maps and plans for all relevant species and habitats; (v) Detailed design(s) and/or detailed working method(s) necessary to achieve stated objectives (including the location and timing); (vi) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; (vii) any relevant and necessary protected species licences and any relevant mitigation measures such as integrated methods into the fabric of the buildings (such as swift bricks, bat tubes and bee bricks), bird and bat boxes, bug hotels, <u>hibernacula</u>, log piles, wildflower planting, hedgehog corridors and wildlife friendly gulleys. (viii) <u>Evidence shall be submitted to show how hibernacula can provide suitable conditions for hibernation taking into account the level of the water table;</u> (ix) a non-native invasive species protocol, (x) Persons responsible for implementing and monitoring the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; (xi) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person; and (xii) Details of the disposal of any wastes required to implement works. <p>The approved CEMP - biodiversity will be adhered to and implemented throughout the construction period in accordance with the approved details. Reason: To protect and enhance the ecology and biodiversity in accordance with national and local planning policy</p>	<p>Agreed Condition</p>	
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<p>41. Ecological Design Strategy</p> <p>The reserved matters submitted pursuant to Condition (1) shall include an Ecological Design Strategy (EDS) for approval in writing by the Local Planning Authority. The content of the Strategy shall be informed by on the mitigation, compensation and enhancement measures detailed in Ecological Appraisal ref 6196 EcoAp vf4 /ND/ADB by aspect Ecology. The EDS shall include the following:</p> <ul style="list-style-type: none">) Purpose and conservation objectives for the proposed works and habitat management;) Review of site potential and constraints (including a description and evaluation of features to be managed and including updated species/habitat surveys to include updated bat surveys and others as recommended by suitably qualified ecologist);) Reference to any necessary mitigation licences or other relevant documents, a detailed arboricultural method statement) Type and source of materials to be used where appropriate, e.g. native species of local provenance;) Timetable for implementation demonstrating that works are aligned with the proposed timetable of development;) Details concerning the required management prescriptions (as well as monitoring and remedial measures) of the retained and created habitats to achieve the necessary targeted mitigation, compensation and enhancement for protected and priority species and habitats (including for amphibians, reptiles, bats, badger, breeding birds, hedgerows), as well as mechanisms for securing that management (as well as monitoring and remediation) for the lifetime of the development shall be detailed within the habitat management and monitoring plan (HMMP) as required as part of the approved EDS) Detailed design(s) and/or working method(s) to achieve stated objectives, including the extent and location/area of proposed works on appropriate scale maps and plans. The detailed designs as in (vii) above shall include: <ul style="list-style-type: none"> a) Full details of soft landscape works, to include species, size and location of new habitats (e.g., trees, shrubs, hedges and grassed areas to be planted); b) Full details of the proposed ecological features. For habitat boxes this shall include numbers, make and model, locations to include height, aspect and mounting location shown on scaled landscaping plans suitable for construction. For hibernacula, this shall include numbers, size (including length, width and height), locations, and materials shown on scaled landscaping plans suitable for construction. Evidence shall be submitted to show how these hibernacula can provide suitable conditions for hibernation taking into account the level of the water table.; 	<p><u>Accepted Does this not repeat the LEMP ? Condition 37.</u></p>	<p><u>Agreed but LEMP condition amended.</u></p>
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	<p>e) Full details of how the public open space and ecological mitigation/compensation areas shall encourage the continued movement of desirable animals, but restrict the movement of predatory animals such as domestic cats.</p> <p>d) Full details of on-site mitigation and compensation measures relevant protected and/or priority species</p> <p>e) Full details of any off-site compensation measures required for reptiles if determined as necessary by a suitably qualified ecologist.</p> <p>The EDS shall be implemented and managed in accordance with the submitted and approved details thereafter.</p> <p>Reason: To protect and enhance the ecology and biodiversity in accordance with national and local planning policy</p>		
42.	<p>Emergency/Secondary Access</p> <p>Prior to commencement of development, a scheme for controlling vehicular access between the site and the A274 from the site's northeastern boundary shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented prior to first occupation of any dwelling on site.</p> <p>No dwelling shall be occupied before a pedestrian/cyclist access and a bollarded emergency access for flood events is secured to A274 via the NE corner of the site. Once provided as approved, that access shall thereafter be retained as such.</p> <p>Reason: Alternative access is necessary during flood events in the interests of safety.</p>	<u>Suggested amendment</u>	<u>This does not secure the route for pedestrians (and cyclists) which is explicitly proposed. Therefore another condition is needed as below.</u>
43.	<p>No dwelling shall be occupied before a pedestrian/cyclist access route is secured to A274 via the NE corner of the site. Once provided as approved, that access shall thereafter be retained as such.</p> <p>Reason: in the interests of permeability and Active Travel.</p>		
43.4	<p>Replacement of Curtilage Listed Building</p> <p>Details submitted for condition 1 shall show details of a replacement listed building for Structure A/Building 3/The Granary that shall detail the incorporation of salvaged materials from the building to be demolished.</p> <p>Reason: To accord with the terms of the application.</p>	<u>I think agreement on the name of the structure is required.</u>	
44.4	<p>Vistas</p> <p>Details for Condition 1 shall show a layout that retains at least 2 open vistas from the western boundary towards Headcorn Church.</p> <p>Reason: To accord with good design/place-making.</p>	<u>Agreed Condition</u>	
45.4	<p>Speed Limit</p> <p>No dwelling shall be occupied until the 30mph speed limit on Moat Road is extended to the west of the access to Moat Road hereby approved.</p> <p>Reason: In the interests of road safety.</p>	<u>Not Accepted. This is subject to S278 works/ separate Traffic Regulation Order.</u>	<u>It is important to be secured at this stage.</u>

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