

WITHOUT PREJUDICE-

The Council and the Appellants reservesreserve 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 3 (track changes removed)~~

~~Conditions added from Additional Heritage SoCG~~

~~Liaison on conditions is still being undertaken between the parties with addition conditions suggested for Heritage and Transport~~

	Suggested Condition	Appellant Comments	LPA Response	<u>Conclusion</u>	
1.	<p>Time Limit 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: 1. Scale 2. Layout 3. Appearance 4. Landscaping 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. 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>			Agreed Condition	
2.	<p>Approved Plans The development hereby permitted shall be carried out in general accordance with the following plans;</p>	<p>Suggested amendment to include 'general' accordance</p>	<p>agreed</p>	<u>Agreed Condition</u>	

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	<p>1. Site Location Plan 01c Application Boundary Plan</p> <p>2. Proposed Highway and Footway Scheme 20472-03D</p> <p>3. Site Access Vehicle Tracking 20472-03-1D</p> <p>4. Visibility Splays 20472-03-2E</p> <p>5. Visibility Splays (with Highway Boundary Overlay) 20472-03-3E</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>	<p>Rev E Vis splay drawings</p>		
<p>3.</p>	<p>Green Infrastructure Plan</p> <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 where possible. The impacts of any access junction shall be minimised and mitigated. -Vehicular access routes within the development shall feature tree planting. <p>Reason: To reflect the requirements of the allocation policy LPRSA310</p>	<p>Suggested amendments</p>	<p>agreed</p>	<p><u>Agreed Condition</u></p>

<p>4.</p>	<p>Play Areas Suitable open space provision for children and young people in line with Local Plan Review 2021-2038 policy LPRINF1 shall be made on site, in accordance with a scheme and timetable which shall previously have been submitted to and agreed in writing by the local planning authority. 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. Reason: To provide for the recreational needs generated by the development.</p>	<p>Could this have a later occupation date? No more than 50 dwellings</p>	<p>Triggers revised</p>	<p>Agreed Condition</p>
<p>5.</p>	<p>Number of Dwellings The development hereby permitted shall comprise not more than 115 dwellings. Reason: To accord with the terms of the application.</p>	<p>▲</p>	<p>▲</p>	<p>Agreed Condition</p>
<p>6.</p>	<p>Height Limit 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>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, materials, design quality, landscaping, boundary treatments, secured by design or an open space strategy. For</p>	<p>The Design and Access Statement is a requirement for an outline planning application and it specifically details -a maximum of 2 storeys.</p>	<p>Not agreed</p>

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		clarity, that does not indicate that simply that their consideration falls squarely to reserved matters applications.”		
7.	Access 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. 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. 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.			Agreed Condition
8.	Crossing 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. Reason: In the interests of highway safety.			Agreed Condition
9.	Access The development shall not be occupied until the following off-site highways works to Moat Road have been provided in full - Pedestrian/cyclist access into the site from Moat Road.			Agreed Condition

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	<p>- A new footway scheme in accordance with 20472-03 D .</p> <p>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.</p> <p>Reason: In the interests of highway safety</p>				
10.	<p>Archaeology 1</p> <p>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</p> <p>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.</p>			Agreed Condition	
11.	<p>Archaeology 2</p> <p>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.</p> <p>Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF.</p>	Note suggested revised wording-	agreed	Agreed Condition	
12.	<p>Archaeology 3</p> <p>Prior to commencement of development, details and a written scope and timetable to secure the long term preservation in situ and interpretation of the below ground remains of the Royal Observer Corps (ROC) post shall be submitted to and approved by the Local Planning Authority. The measures shall</p>	Note suggested revised wording-	agreed	Agreed Condition	

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	be implemented as approved and the ROC post retained in situ thereafter. Reason: To ensure community awareness and understanding of a heritage asset.			
13.	Archaeology 4 Prior to commencement of development, the replacement of the Granary, appropriate recording of other structures present and appropriate on site interpretation of Moat Farm in accordance with a written scope with timetable, which has been submitted to and approved by the Local Planning Authority. Reason: To ensure community awareness, understanding and enjoyment of The Moat farm surviving heritage assets, including the moat feeder pond.	Amendments suggested	agreed	<u>Agreed Condition</u>
14.	Surface Water Drainage 1- 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. 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: 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			Agreed Condition

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	<p>site use can be adequately managed to ensure there is no pollution risk to receiving waters.</p> <p>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.</p> <p>i) The attenuation basin will be designed to hold water year round</p> <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>15.</p>	<p>Surface Water Verification</p> <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>			<p>Agreed Condition</p>

16.	<p>Construction Method Statement 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. Reason. In the interest of the free flow of traffic on Moat Road and local amenity.</p>			<p>Agreed Condition</p>
17.	<p>Levels 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. Reason: In order to secure a satisfactory form of development having regard to the topography of the site</p>			<p>Agreed Condition</p>
18.	<p>Biodiversity Net Gain Uplift 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 habitat types on the site (has been submitted to and approved in writing by the Local Planning Authority.</p>	<p>Is the monitoring required by this condition when already included as part of the HMMP? Suggest</p>	<p>agreed</p>	<p>Agreed Condition</p>

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	<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 and monitoring 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>deletion of last paragraph</p>		
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	<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>Reason: To ensure measurable net gains to biodiversity and in accordance with policy LPRSP14(A) and the Biodiversity Gain Hierarchy</p>			
19.	<p>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>Condition not required refer to para 178 of Marden Appeal:</p> <p>"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."</p>	<p>The Design and Access Statement is a requirement for an outline planning application and it specifically references external materials.</p>	<p>Not agreed</p>
20.	<p>Design Quality</p>	<p>Condition not required refer to</p>	<p>←</p>	<p>Agreed can be RM stage to delete</p>

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	<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> <ul style="list-style-type: none"> a) new external joinery in the form of large scale drawings. b) details of eaves and roof overhangs in the form of large scale drawings c) details of balconies, projecting bays and porch canopies d) details of window headers and cills and door headers <p>Reason: To ensure a satisfactory appearance to the development adjacent to and visible from the countryside</p>	<p>para 178 of Marden Appeal:</p> <p>"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."</p>		
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>			<p>Agreed Condition</p>

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	<p>(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> <p>The development hereby permitted shall be undertaken in accordance with the approved AMS.</p> <p>Reason: in the interests of visual amenity</p>				
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 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>Agreed Condition</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.				
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>Appellant condition:</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 identified 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.</p> <p>LPA Condition:</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><u>The original condition is too specific, and can be addressed via reserved matters</u></p> <p>Suggested amendments</p> <p><u>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</u></p>	<p>Landscape is a Reserved Matter so the expectations of the LPA need to be referred to at outline stage.</p>	Not agreed	

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	<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>local planning authority. The scheme shall include a planting specification and a 5 year management plan and include the following:</u></p> <p><u>a) Retention of identified existing trees and the provision of new native trees, shrubs, scrub and hedgerows across the site.</u></p> <p><u>b) The development shall be carried out in accordance with the approved details.</u></p> <p>The original condition is too specific, and can be addressed via reserved matters.</p>		
<p>25.</p>	<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 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>Can this<u>This</u> be included within the LEMP?</p>	<p>For simpler enforceability if breached this needs to be a specific condition as drafted.</p>	<p>Not Agreed</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.			
26.	Boundary treatment 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. Reason: In the interests of visual amenity of the area and to ensure a satisfactory appearance to the development.			Agreed Condition
27.	Renewables 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. Reason: In the interests of securing low carbon energy and policy LPRQD1 of the Maidstone Borough Local Plan Review 2024.			Agreed Condition
28.	Aeessible accessible and adaptable dwellings 1 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)-L .	M4(3) to be included in S106		Agreed Condition

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	Reason: To ensure the development complies with policy LPRQD6 of the Maidstone Borough Local Plan Review 2024.			
29.	<p>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 the CPTED: <u>this.</u></p>	<p>POLICY LPRSP15 – Principles Of Good Design- 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;</p>	<p>Not Agreed</p>

30.	<p>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>
31.	<p>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 open space totalling 3.26ha which shall</p>			<p>Agreed Condition</p>

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	<p>not include the Emergency access/Secondary access nor adopted highway verge on Moat Road.</p> <p>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>			Agreed Condition	
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>			Agreed Condition	

<p>34.</p>	<p>Public Art 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. 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 "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 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."</p>	<p><u>The Marden Inspector appeared unaware of LPR 2024 para 2.13</u> "There are a <i>number of adopted supplementary planning documents (SPD) and planning advice notes which provide supplementary guidance to local and national planning policies. The following SPDs and advice notes are saved:</i> <i>Public Art Guidance (2017);</i> </p>	<p>Not Agreed</p>
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<p>35. Air Quality</p> <p>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.</p> <p>Reason: in the interests of public health.</p>	<p><u>Suggested change</u></p>	<p><u>agreed</u></p>	<p><u>Agreed Condition</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 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>This seems extensive given the status of the site and limited previous development. I suggest condition 37 only is required</p>	<p>Agricultural activities will <u>often</u> involve contamination eg <u>spilt or poorly stored</u> chemicals and fuels. The SE corner was an <u>historica</u> farmstead <u>for many years</u> and a risk assessment is needed.</p>	<p><u>Not agreed</u></p>

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	<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. 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>37.</p>	<p>Unforeseen contamination If, during development, contamination not previously identified is found to be present at the site: (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. (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: <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. • 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>			<p>Agreed Condition</p>

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	<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>38.</p>	<p>Landscape and Ecological Management Plan 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: a) Description and evaluation of features to be managed; b) Ecological trends and constraints on site that might influence management; c) Aims and objectives of management; d) Appropriate management prescriptions for achieving aims and objectives; e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; f) Details of the body or organisation responsible for implementation of the plan, g) Ongoing monitoring and remedial measures. h) Reference to any necessary mitigation licences or other relevant documents, i) Type and source of materials to be used where appropriate, e.g. native species of local provenance; j) 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. 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. Reason: In the interest of long term ecological and landscape enhancement.</p>			<p>Agreed Condition</p> <p>Added in text from the EDS condition</p>

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39.	<p>Travel Plan 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. Reason: In the interests of sustainable travel.</p>	<p>Agreed Condition OR in Principle subject to the matter could be not being addressed in the S106 (re: any monitoring fee)</p>	<p>A condition is always preferable to a s106 clause. Awaiting KCC confirming they require a Travel Plan.</p>	<p>Not agreed</p>
40.	<p>CEMP - biodiversity 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: (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</p>			<p>Agreed Condition</p>

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	<p>integrated methods into the fabric of the buildings (such as swift bricks, bat tubes and bee bricks), bird and bat boxes, bug hotels, hibernacula, log piles, wildflower planting, hedgehog corridors and wildlife friendly gulleys.</p> <p>(viii) Evidence shall be submitted to show how hibernacula can provide suitable conditions for hibernation taking into account the level of the water table;</p> <p>(ix) a non-native invasive species protocol,</p> <p>(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;</p> <p>(xi) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and</p> <p>(xii) Details of the disposal of any wastes required to implement works.</p> <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>41.</p>	<p>Ecological Design Strategy 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:- 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);</p>	<p>Does this not repeat the LEMP? Condition 37:</p>		<p>Agreed, but LEMP condition amended to delete</p>

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<p>Reference to any necessary mitigation licences or other relevant documents, a detailed arboricultural method statement</p> <p>Type and source of materials to be used where appropriate, e.g. native species of local provenance;</p> <p>Timetable for implementation demonstrating that works are aligned with the proposed timetable of development;</p> <p>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</p> <p>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:</p> <p>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);</p> <p>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> <p>a) Full details of how the public open space and ecological mitigation/compensation areas shall encourage the continued movement of desirable</p>			
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	<p>animals, but restrict the movement of predatory animals such as domestic cats.</p> <p>b) Full details of on-site mitigation and compensation measures relevant protected and/or priority species</p> <p>c) 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 (Flood Events)</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 and retained thereafter.</p> <p>Reason: Alternative access is necessary during flood events in the interests of safety.</p>	<p>Suggested amendment</p>	<p>This does not secure the route for pedestrians (and cyclists) which is explicitly proposed. Therefore another condition is needed as below:</p>	<p>Agreed Condition.</p>
43.	<p>Pedestrian/Cyclist Access</p> <p>No dwelling shall be occupied before a pedestrian/cyclist access route is secured to A274 via the northNorthern boundary of the site in accordance with details of improvements to the condition of the access which shall be submitted to and approved by the Local Planning Authority. Once provided as approved, that access shall thereafter be retained as such.</p> <p>Reason: inIn the interests of permeability and Active Travel.</p>	<p>Removal of cyclist and NE cornerNeeds to make be consistent with policy SA310 so delete reference to cyclists</p>	<p>The Design and Access Statement and the Framework Plan both explicitly refer to cyclist access to the north being proposed. Notwithstanding LPRSA310, there are policy</p>	<p>Not Agreed</p>

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			<p><u>requirements to promote Active Travel. Appellants Transport Proof says in 6.3.2:</u></p> <p><u>"Any necessary improvements to the condition of the access can be addressed through the RMA process and/or secured by condition."</u></p>	
44.	<p>Replacement of Curtilage Listed Building 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. Reason: To accord with the terms of the application.</p>	<p>I think agreement on the name of the structure is required.</p> <p>This condition is likely to be replaced with alternatives.</p>		<p><u>Agreed to delete</u></p>
45.	<p>Vistas Details for Condition 1 shall show a layout that retains at least 2 open vistas from the western boundary towards Headcorn Church. Reason: To accord with good design/place-making.</p>			<p>Agreed Condition</p>
46.	<p>Speed Limit 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. Reason: In the interests of road safety.</p>	<p>Not Accepted. This is subject to S278 works/ separate Traffic Regulation Order.</p>	<p><u>A 30mph speed limit reduction was included in the appellant's first Road Safety Audit.</u> It is important to be secured at this stage. <u>If</u></p>	<p><u>Not Agreed</u></p>

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			<p><u>this section of Moat Road is to have street lighting, a TRO would not be necessary. In any event, risk of TRO not being secured is low. A s73 application could be submitted in such a scenario. Otherwise, this needs to be a "best endeavours" in the s106</u></p>	
47.	<p>Written Scheme of Investigation</p> <p>No works to the extant buildings within the site are to be carried out until a Written Scheme of Investigation for a full Programme of Building Recording (in accordance with Historic England's Guidance Understanding Historic Buildings, 2016) to Level 4 has been submitted to and approved in writing by the Local Planning Authority, and the initial stage of recording of the building in its current condition implemented. The final report on the Building Recording to be submitted for the approval in writing by the Local Planning Authority within six months of completion of the project. A copy of the final Report on the Building Recording shall be submitted to the HER and placed on OASIS (https://oasis.ac.uk) within six months of completion of the project.</p> <p>Reason: To allow for future research and understanding of the property and to ensure features of historic and architectural interest are properly examined and recorded.</p>			<p>Agreed in SoCG Con dition</p>

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<p>48.</p>	<p>On site interpretation</p> <p>Prior to the occupation of the development, details shall be submitted to and approved by the Local Planning Authority of appropriate on site interpretation of Moat Farm in accordance with a written scope with timetable, which shall include details of the wording and panel sizes/ positions, together with confirmation of access to the panels.</p> <p>Reason: To ensure community awareness, understanding and enjoyment of The Moat farm surviving heritage assets, including the moat feeder pond.</p>			<p>Agreed in SoCGCon dition</p>
<p>49.</p>	<p>Dismantling, Reconstruction and Reuse Scheme</p> <p>No development hereby permitted shall take place until details, drawings and a timetable of a "Dismantling, Reconstruction and Reuse Scheme" for the curtilage listed building (Structure A/Building 3/The Granary) have been submitted to and approved in writing by the Local Planning Authority. These shall generally accord with the 'Methodology for Repair and Reconstruction of the Granary' ref 27780 by James Clague Architects dated January 2025.</p> <p>The details shall include:</p> <ul style="list-style-type: none"> i. Careful stripping and setting aside securely for reuse the roof finish, sarking boards, wall cladding and floorboards ii. External weather protection for the duration of the works iii. Inserting props to allow for safe access to enable recording and identifying structural components in-situ iv. Arrangements for the Maidstone Borough Council Conservation Officer to agree any situ repair/reinstatement and agree timbers for removal v. Revision of drawings where necessary to accord with the agreed position arising from (iv) confirming the extent of the proposed dismantling, supported by a Structural Engineers Report (CARE Approved) vi. Method statement of how the careful dismantling is to be undertaken which shall be by hand, or with assistance of lifting equipment only and the materials stored securely 			<p>Agreed in SoCGCon dition</p>

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	<p>for re-use or recording to allow for the reconstruction of the Granary. Materials should be clearly labelled (with associated annotated drawing) and stored securely on site within the former farmstead location, in a safe and weather tight manner.</p> <ul style="list-style-type: none"> vii. Carrying out agreed conservation repairs to the structural frame and finishes to include agreed reinstatement of missing or extensively decayed components to restore the structural assembly to a sound, load bearing condition viii. All replacement materials (roof covering, wall cladding and main timber) and construction details, including joint details and door detail to be agreed by Maidstone Borough Council Conservation Officer ix. There will be no additional cutting of the existing timber frame unless approved x. Reinstating finishes, details to be agreed by Maidstone Borough Council Conservation Officer xi. Addition of external steps and ironmongery for secure access xii. Details of proposed end use of the completed reconstructed Granary building. <p>Within 3 months of the development hereby permitted commencing, the initial stage of propping and clearing shall be commenced.</p> <p>No dwelling hereby permitted shall be occupied until the approved Dismantling, Reconstruction and Reuse Scheme has been fully implemented as approved and the building shall be retained in the proposed end use thereafter.</p> <p>Reason: In the interests of heritage asset conservation.</p>				
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