



Appeal Decision

Inquiry held on 26-27 February 2025

Site visit made on 27 February 2025

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Appeal Ref: APP/U2235/W/24/3351435

Land at Moat Road, Headcorn, Maidstone TN27 9NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Catesby Strategic Land Ltd AND The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge against the decision of Maidstone Borough Council.
 - The application Ref is 23/504471/OUT.
The development proposed is described as: Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, provision of shelter to replace curtilage listed building, emergency /pedestrian access to Mill Bank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).
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Decision

1. The appeal is allowed and planning permission is granted for a development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing non listed farmstead buildings and dismantling/re-construction in-situ of curtilage listed former Granary to form an ancillary building, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, emergency/pedestrian access to Mill Bank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road) at Land at Moat Road, Headcorn, Maidstone TN27 9NT in accordance with the terms of the application, Ref 23/504471/OUT subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was for 'up to 120 dwellings' but was later reduced to 'up to 115 dwellings'. The proposal was also amended, during the course of the application, to include the replacement of a curtilage listed building, associated with the Grade II listed building The Moat, with a shelter. A revised description of development was agreed between the appellant and the Council to reflect these changes, and the application was determined on this basis. This revised description of development is set out in the banner heading above. Matters have, however, since progressed further during the course of the appeal, such that it is now proposed to repair/reconstruct the curtilage listed building in-situ. I have reflected this change in my formal decision above. I have also deleted any words which are not a description of development.

3. The application is made in outline with only access to be determined at this stage. Submitted with the application was a Framework Plan - 01 and a Sketch Layout Master Plan - 01 which show how the development could be laid out. I have considered these on an illustrative basis.
4. The validity of the appeal was challenged by a local resident. Having considered their arguments I am satisfied that proceeding with the Inquiry would not prejudice the interests of any party. I have, nevertheless, addressed the points raised in my decision below under 'other matters'.

Main Issues

5. The Council have withdrawn all reasons for refusal. They remain of the view that there are harms in respect of landscape and highway matters, the latter of which in part concern flood risk. However, having considered their position, they have decided not to defend the appeal subject to conditions and a S106 agreement. Nevertheless, as there remains identified harm, which is pertinent to my overall planning balance, these matters are material to the determination of this appeal.
6. I also have a statutory duty, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. Taking the above points into consideration, the main issues in this case are:
 - The effect of the development on the character and appearance of the local area having particular regard to landscaping, design and layout, and the special attention that should be paid to the desirability of preserving the setting of the Grade II listed building, The Moat, or any features of special architectural or historic interest which it possesses;
 - The effect of the development on highway safety, with particular regard to, cyclists using the primary access on Moat Road heading towards the A274; and future pedestrians and cyclists using the proposed emergency access to/from the site, via the northern boundary, onto Mill Bank/A274; and,
 - Whether the development would provide acceptable flood safety measures.

Reasons

Policy Background

8. Policy LPRSA310 – Moat Road, Headcorn, of the Maidstone Local Plan Review 2021-2038 (LPR), identifies the appeal site as being allocated for the development of approximately 110 dwellings. The main parties agree that the proposal for 'up to 115 dwellings' accords with this allocation, and I agree as the policy does not set a maximum housing allocation figure.
9. This policy outlines various conditions to be met to satisfy this policy. The most relevant to this appeal are conditions 7 and 8 relating to the design and layout of the development, condition 10 which concerns historic impact, conditions 18, 20 and 21 relating to access, highways, and transportation, and condition 23 which concerns flood risk.

Landscaping, Design, and Layout

10. Of particular concern to the Council was condition 7 of Policy LPRSA310 which requires lower densities and built form on the western portion of the site to reflect its adjacent to open countryside. The Sketch Layout Master Plan - 01 shows that 115 dwellings could be provided on the site whilst maintaining a substantial landscape buffer to the west. Furthermore, the Design Statement of Peter Morgan at Figure 14 (Appendix 2.0 of the Proof of Evidence of Charlie Collins) shows this layout, along with a density plan showing density gradient across the site, with lower densities shown along the western boundary.
11. Policy LPRSA310 also requires the layout and form of buildings at the Moat Road site to be designed to mitigate the rising topography with east-west landscaping introduced to break up the overall visual massing. Again, the Sketch Layout Master Plan - 01 shows that east to west swathes of landscaping along the north and south boundaries, and through the centre of the site, where there is an obvious gradient change, could be provided. This would be sufficient to break up the visual massing of the development in line with the policy.
12. I therefore consider adequate and effective landscaping along with a suitable design and layout of development, in accordance with conditions 7 and 8 of Policy LPRSA310, could be achieved on the site, without resulting in harm to the character and appearance of the local area.

Heritage – Setting and Curtilage Listed Building

13. The Moat, which is located to the south-east of the appeal site, beyond the site boundary, is Grade II Listed. It is a former moated farmhouse thought to date from the early or mid-16th century and is likely to have been a high-status property. Today, The Moat is a private residence. Historically, however, it formed part of a wider landholding which included arable, pasture, willow beds, orchards and shaws. The appeal site forms a part of this historic land associated with The Moat. Consequently, the appeal site falls within the setting of this listed building.
14. The appeal site also contains a group of derelict buildings located in the south-east corner, adjacent to Moat Road, some of which are known to have had farming functions associated with them. Of particular interest is a small, timber framed granary, raised on staddle stones (the Granary). It is the Council's view that this building forms part of the listed building The Moat. Given the physical layout of the listed building in relation to the Granary, their historic association by ownership and use, and that this building forms part of the land and has done so since before 1st July 1948, I concur.
15. The appeal site, generally, given its historic agricultural association with The Moat, contributes to the special interest of this listed building through setting, insofar as its open, agricultural character is illustrative of the former agricultural use of the asset. The Granary is in an advanced state of disrepair. Nevertheless, its distinctive form and former function is still legible, and because of this, it contributes to the special architectural and historic character of The Moat, as it is representative of this agricultural phase of the former farmhouse and its associated farmstead.
16. The proposal would, as agreed by the main parties, result in some harm to the significance of The Moat by way of harm to its wider setting, from changing an area with a largely open, agricultural character to a residential development. However,

this harm could be minimised, as demonstrated by the Sketch Layout Master Plan - 01, by siting development away from the area closest to The Moat where the Granary is located, thereby maintaining a sense of the former farmstead in this area.

17. A conservation led repair/reconstruction of the Granary is now proposed which can be secured by this permission along with its future management and maintenance. This would be beneficial in terms of the conservation of the Granary and would also be beneficial to the setting of The Moat.
18. Overall, therefore, there would be some very minor, residual harm to the wider setting of The Moat from the residential development. In this respect there would be some conflict with Policy LPRSP14(B) which requires the conservation of heritage assets. However, the proposal accords with the site allocation Policy LPRSA310 for this site, specifically condition 10, which requires the site design to be informed by a local historic impact assessment. I am satisfied, on the evidence before me, that this could be achieved at reserved matters stage. I therefore find no conflict with the development plan, as a whole.
19. The harm I have identified would be at the very lowest end of the less than substantial scale. Nevertheless, such harm must be given considerable importance and weight. The public benefits of the development, however, would be substantial and wide ranging. They include heritage benefits such as the reconstruction of the Granary; a curtilage listed building, and an enhancement to the setting of The Moat. Views from Moat Road when entering the village of Headcorn and its conservation area would also be improved. Furthermore, there would be the clear benefit of housing, including a contribution towards affordable housing, and the economic benefits which would flow from this. These public benefits are more than sufficient to outweigh the harm to the setting of The Moat.

Highways

20. Before me for approval are plans which propose a 2m footway from the pedestrian access to the south of the site leading into the centre of Headcorn, and connecting to an existing footway on Moat Road. These plans also show new gateway signs here, identifying Headcorn and indicating the 30mph speed limit, and a traffic management arrangement over the bridge to accommodate the proposed pavement. Furthermore, a pedestrian crossing is proposed at the Moat Road/Kings Road/A274 junction. Together these works would slow traffic, improving highway safety for all users, thus the development would provide acceptable and safe off-site cycle connectivity along Moat Road to the A274, in line with condition 18 of Policy LPRSA310.
21. Pedestrian/cycle access onto Maidstone Road would also be provided via the northern boundary of the site onto an existing Public Right of Way. Improvements to the condition of the track to make it appropriate and safe for use could be secured by condition. The appellant has provided evidence that there is a right of way, and a right to repair and improve this access, sufficient to demonstrate that there is a prospect of such works being done (ID4.6). Condition 20 of Policy LPRSA310 would therefore be satisfied.
22. No issue with the detail of the principle vehicular access to the site off Moat Road has been put to me, and the Local Highway Authority have raised no objection in this regard. I find no reason to disagree.

Flood Risk

23. Access and escape are important to the overall safety of this development as the southern accesses lie within an area of flood risk. The northern pedestrian access would provide for safe access and egress in the event of a flood. Vehicular access, to allow the emergency services to safely reach the development during flood events, could also be provided along the northern pedestrian/cycle route. The Environment Agency were consulted on the application, and they acknowledged the inclusion of a secondary access road onto the A274 to provide safe access and egress from the site and raised no objection. I find no reason to disagree.
24. In terms of the width of the northern access for pedestrians and emergency vehicles, the Highway Authority advised that, overall, the width and visibility along this short stretch of straight track was such that vehicles and pedestrians/cyclists could pass each other safely. Consequently, they raised no objection. Again, I concur with this position.

Other Matters

25. Case law has established that off-site works may be achieved by imposing a 'Grampian' style condition, and the use of such conditions was discussed at the Inquiry. That the proposal includes off-site works is not, therefore, a reason to invalidate the appeal.
26. The dismantling and re-building of a curtilage listed building is included in the planning application. However, the carrying out of any works requiring listed building consent, without the appropriate consent, constitutes a criminal act, and the determination of this planning appeal does not change this. Again, this is not a reason to make the appeal invalid.
27. The reference to the site address as 'Maidstone' rather than 'Ashford' is unlikely to prejudice interested persons, in terms of not being able to identify the appeal site, particularly given a site plan and postcode are also provided. Again, therefore, this is not a reason to invalidate the appeal.
28. Flooding is raised by Headcorn Parish Council. However, this has been considered as part of the site allocation process, and as part of this outline application. Furthermore, the Environment Agency raised no objection.
29. No objection has been raised in respect of the capacity of the Moat Road/Kings Road/A274 junction to accommodate additional traffic generated by the development by the Highway Authority, or either of the expert Highway Witnesses in this appeal. I find no reason, on the evidence before me, to conclude otherwise.
30. The submitted S106 Agreement deals with various obligations placed on the developer to mitigate the impact of the development on, amongst other things, local education and sports facilities. There is, however, no firm evidence before me that other local services would be materially impacted by the proposal. There is also no firm evidence to conclude that the provision of affordable housing would result in social issues or antisocial behaviour.
31. I am satisfied that the development would provide safe and suitable pedestrian routes into the village such that there would be no material impact on parking in Headcorn. Contamination and biodiversity matters can be dealt with by condition.

Conditions

32. A draft list of conditions was provided at the Inquiry. I have considered these in line with the advice contained at paragraph 57 of the National Planning Policy Framework (the Framework), i.e., that they are kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have also carried out minor editing and removed any duplication.
33. I have attached standard conditions requiring details of the reserved matters to be submitted for approval, specifying when the reserved matters application must be submitted by, and when the development permitted must be commenced by (1-3). I have also included a plans condition, listing the plans submitted for approval, as this provides certainty (4).
34. Conditions 5 and 6 are necessary to define the principle of development, in terms of the number of houses and their height, both of which have been agreed by the main parties. Conditions 7-11 deal with access to the site. To encourage sustainable travel I have included a condition requiring a Travel Plan (12).
35. To protect on-site heritage, conditions 13-18 are necessary. To ensure satisfactory drainage of the site, conditions 19 and 20 are also necessary. Drainage is not a matter reserved for later consideration. Accordingly, I have not treated it as such. It is also fundamental to be resolved prior to development commencing, as to not do so would mean it would be necessary to refuse the whole permission. To protect the amenity of local residents, condition 21 requires the submission of a Construction Method Statement. Given the topography of the site condition 22 requires finished floor levels to be agreed to ensure a satisfactory form of development.
36. Condition 23 is necessary to secure a Biodiversity Net Gain on site and I have ensured the wording is consistent with that used in the S106 Agreement. Also, to protect biodiversity and the rural character of the area, a condition requiring the submission of a lighting strategy is necessary (24), and conditions relating to the submission of a Landscape and Ecological Management Plan (25) and a Construction Ecological Management Plan (26).
37. The reserved matter of 'appearance' is largely concerned with the external visual impression of the resulting dwellings on site. Consequently, a condition relating to materials is not necessary. It is necessary, however, to include conditions relating to water consumption, building accessibility, crime prevention and the use of renewable and/or low carbon energy sources (27-30).
38. In the interest of public health it is necessary to include conditions 31-34 relating to air quality and contamination. Finally, to provide clarity as to what should be submitted at reserved matters stage, I have included conditions 35-37.
39. It is not necessary to include conditions which relate to matters reserved for subsequent approval, such as, the provision of amenity features; the protection of amenity features; screening by fences, walls, or other means; the planting of trees, hedges, shrubs or grass; or the provision of sculpture or public art, all of which fall within the scope of the reserved matter 'landscaping'.
40. In the same vein, a condition requiring a green infrastructure plan and a pedestrian and cyclist movement strategy, and a condition for at least two open vistas from the

western boundary towards Headcorn Church, are not necessary as this is defined by the illustrative Framework Plan - 01, which is secured by condition, to be carried forward by way of the reserved matters application.

S106 Agreement

41. A signed and dated deed of agreement pursuant to S106 of the Town and Country Planning Act 1990 has been submitted, which provides for various obligations. In line with Regulation 122(2) of the CIL Regulations 2010 (as amended) the Framework explains in paragraph 58 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is necessary, therefore, for me to consider these obligations in detail and reach a finding on them, having regard to the above tests.
42. An off-site sports contribution is sought. The development proposes areas of open space but no specific sports provision as required by Policy LPRINF1. An off-site contribution towards existing sports facilities in the Headcorn area is therefore necessary.
43. The Council are also seeking a contribution of £10,000 to be paid to extend the 30mph speed limit on Moat Road to incorporate the main vehicular access to the development. I consider this to be reasonable and necessary to encourage the reduction of speeds entering the village.
44. Also included in the agreement is provision for the training and employment of potential employees, contractors, sub-contractors and consultants, who reside or are located within Maidstone Borough Council's geographical boundaries. This is in line with Policy LPRSP11 (B) of the LPR which seeks to create new employment opportunities within the Borough.
45. The agreement secures contributions towards education based upon the additional need generated as a result of the development, and existing capacity at local primary and secondary schools. This is therefore necessary to mitigate the impact of the development. The provision of a maximum of 40% on-site affordable housing is secured in line with Policy LPRSP10 (B) of the LPR.
46. The agreement also includes provision for the future management and maintenance of the curtilage listed building the Granary. This is necessary to ensure its long-term preservation as a heritage asset.
47. Finally, a Travel Plan Monitoring contribution is necessary for the purpose of monitoring compliance with the Travel Plan secured by condition. A monitoring fee is also necessary to ensure the provision, delivery, and long-term management of the Biodiversity Net Gain required by condition. A further monitoring fee is also necessary to cover the costs of monitoring the obligation and securing compliance with it.
48. I find that all the obligations meet the tests of the Framework and fully comply with the requirements of Regulation 122(2) of the CIL Regulations 2010.

Planning Balance

49. There would be some heritage harm at the lowest end of the less than substantial scale to the setting of The Moat, which is a Grade II Listed building, but this is

outweighed by the public benefits in this case. I have found no other harm. Taking the Council's position that the authority has a 5-year supply of housing, the development accords with an up-to-date development plan, as a whole, and, consequently, should be approved without delay.

Conclusion

50. The appeal is allowed.

H Butcher

INSPECTOR

Richborough

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert

FOR THE APPELLANT:

Mr Giles Cannock KC

He called:

Ms Victoria Groves BA (Hons) PGDip Surv MRICS, Area Planning Director, Catesby Estates

Mr Charlie Collins MSc MRTPI, Head of Office (Planning), Savills

Ms Philippa Robinson BA (Hons) MSc MRTPI, Associate Planner, Savills

Mr Charles Mylchreest BA (Hons) PGDipLA CMLI, Director, The Environmental Dimension Partnership

Ms Gail Stoten BA (Hons) MCIfA FSA, Executive Director, Pegasus Group

Mr Dave Neale BA FIHE, Associate Director, DTA Transport

Mr Peter Morgan, BA Arch (Hons) Dipl Arch RIBA, Managing Director, Thrive Architects

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

A J Bingham – Local resident

Colin Williams – Local resident

James Thomas of Headcorn Parish Council

INQUIRY DOCUMENTS

ID 4.1 Opening submissions of the appellant

ID 4.2 Position statement on behalf of the Council

ID 4.3 Statement from A J Bingham

ID 4.4 Statement from Headcorn Parish Council

ID 4.5 Statement from A J Bingham

ID 4.6 Letter from Eversheds Sutherland regarding Public Right of Way between the proposed development site and Mill Bank

ID4.7 Closing submissions of the appellant

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place 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.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos:
01c Application Boundary Plan
11a Existing Site Layout Plan
Proposed Highway and Footway Scheme 20472-03 Rev D
Site Access Vehicle Tracking 20472-03-1 Rev D
Visibility Splays 20472-03-2 Rev E
- 5) The development hereby permitted shall not exceed 115 dwellings.
- 6) The development hereby permitted shall not exceed two storeys in height.
- 7) No development shall commence until the primary means of access from Moat Road has been constructed in accordance with the approved plans. The access shall thereafter be retained, and the visibility splays shall remain free of any obstruction 1m above adjacent carriageway level or 0.6m above adjacent carriageway level where there is a footway present within them.
- 8) The development shall not be occupied until a pedestrian/cyclist/emergency access to the A274 via the northern boundary of the site has been provided in accordance with details which have first been submitted to and approved in writing by the local planning authority. The submitted details shall include the resurfacing of the track, and a scheme for hedgerow and general maintenance of the track. The access shall be retained and maintained as approved thereafter in perpetuity.
- 9) The development shall not be occupied until a scheme for controlling vehicular access between the site and the A274 from the site's northern boundary has been submitted to and approved in writing by the Local Planning Authority and has been implemented as approved.
- 10) The development shall not be occupied until the pedestrian/cyclist access into the site from Moat Road and footway scheme have been provided in accordance with approved plan: Proposed Highway and Footway Scheme 20472-03 Rev D.
- 11) The development shall not be occupied until controlled crossing facilities at the Moat Road/Kings Road/A274 junction have been completed in accordance with plans which have first been submitted to and approved in writing by the local planning authority.

- 12) Prior to the first occupation of the development, a Travel Plan, to include a programme of implementation and monitoring, shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as agreed.
- 13) No development shall take place until:
 - (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (ii) Safeguarding measures to ensure the preservation in-situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.
- 14) Prior to the first occupation of the development, a written specification and timetable for a programme of archaeological post-excavation and publication work shall have been carried out in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
- 15) Prior to the 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 in writing by the local planning authority. These measures shall be implemented as approved prior to occupation and the ROC post retained in-situ in perpetuity.
- 16) 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 buildings in their current condition implemented. The final report on the Building Recording shall be submitted to and approved in writing by the local planning authority and a copy of the final report submitted to the HER and placed on OASIS (<https://oasis.ac.uk>) within six months of completion of the project.
- 17) Prior to the occupation of the development, details of on-site interpretation facilities and timetable for implementation, in respect of the Moat Farm former farmstead shall be submitted to and approved in writing by the local planning authority. The interpretation facilities shall be implemented as approved.
- 18) No development shall take place until a "Dismantling, Reconstruction and Reuse Scheme" for the curtilage listed building (Structure A/Building 3/the Granary) has been submitted to and approved in writing by the local planning authority. This shall generally accord with the 'Methodology for Repair and Reconstruction of the Granary' ref 27780 by James Clague Architects dated January 2025.

The details shall include:

- i) Careful stripping and setting aside securely for reuse the roof finish, sarking boards, wall cladding, and floorboards;

- ii) External weather protection for the building 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 to agree any in-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 in respect of the dismantling of the Granary which shall be by hand, or with the assistance of lifting equipment only. Materials should be stored securely 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 weathertight manner;
- 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;
- ix) There will be no additional cutting of the existing timber frame unless approved;
- x) Reinstating finishes;
- xi) Addition of external steps and ironmongery for secure access; and
- xii) Details of proposed end use of the completed reconstructed Granary building.

Within 3 months of the development commencing, the initial stage of propping and clearing shall have commenced. No dwelling shall be occupied until the approved Scheme has been fully implemented as approved. The building shall be retained as approved thereafter.

- 19) 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;
- 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) 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) 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; and,
- vi) All the attenuation basins will be designed to hold water year-round.

The development shall be carried out in accordance with the approved details and managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 20) No building shall be occupied until a Verification Report, pertaining to the surface water drainage system has been submitted to and approved in writing 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.
- 21) 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:
 - i) The on-site parking of vehicles of site operatives and visitors;
 - ii) The on-site loading and unloading of plant and materials;
 - iii) The on-site storage of plant and materials used in constructing the development;
 - iv) Measures to control the emission of dust and dirt during construction; and
 - v) Timing of deliveries.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 22) No development shall take place until details of the proposed finished floor levels of the buildings, 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.
- 23) No development shall take place until a Biodiversity Management Plan to deliver a net gain of Biodiversity Units across the site of at least 20% has been submitted to and approved in writing by the local planning authority.

The Biodiversity Management Plan shall include:

- i) 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;
- ii) The pre and post - development biodiversity value of the onsite habitat using the latest published statutory biodiversity metric tools and guides;
- iii) 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:
 - a) A non-technical summary;
 - b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) 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;
 - d) The management and monitoring measures to maintain habitat in accordance with the approved Biodiversity Management Plan for a period of 30 years (to align with years 2, 5, 10, 15, 20, and 25) from the completion of development; and
 - e) The monitoring, methodology, and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The development shall be carried out in accordance with the approved Biodiversity Management Plan.

- 24) The development shall not be occupied until a lighting strategy has been submitted to and approved in writing by the local planning authority. The lighting strategy shall include details of:
- 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;
 - 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; and,
 - v) The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes.

Where practicable illumination resulting from the development hereby permitted in respect of criterion i) of this condition should not exceed 0.5 Lux to avoid disturbance to wildlife activity.

All external lighting shall be installed and maintained in accordance with the specifications and locations set out in the strategy, and no other or additional external lighting shall be installed.

- 25) No development shall commence 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 and supported by

any updated ecological or arboricultural studies as necessary. The LEMP shall include details of:

- i) Description and evaluation of features to be managed;
- ii) Ecological trends and constraints on site that might influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management prescriptions for achieving aims and objectives;
- v) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vi) Details of the body or organisation responsible for implementation of the plan;
- vii) Ongoing monitoring and remedial measures;
- viii) Reference to any necessary mitigation licences or other relevant documents;
- ix) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- x) 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; and,
- xi) 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.

- 26) No development shall commence until 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 to be 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;
 - 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, hibernacula, log piles, wildflower planting, hedgehog corridors and wildlife friendly gulleys;

- viii) Evidence shall be submitted to show how hibernacula can provide suitable conditions for hibernation taking into account the level of the water table;
- 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.

The approved CEMP - biodiversity will be adhered to and implemented throughout the construction period in accordance with the approved details.

- 27) The development shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 28) 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).
- 29) There shall be no development above slab level until measures to minimise the risk of crime 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 in perpetuity.
- 30) 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. The approved scheme shall be implemented in accordance with the approved details and retained thereafter in perpetuity.
- 31) No development 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 be carried out in accordance with the approved AQS.
- 32) No development shall commence until an assessment of the risks posed by any contamination on the site has been submitted to and approved in writing by the local planning authority.
- 33) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and

remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that, upon completion, the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 34) Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 35) Any reserved matters application shall be submitted in general conformity with drawing no: Framework Plan – 01 FWP-01 MP-01 Rev A5
- 36) The 'landscaping' reserved matters shall include an Arboricultural Method Statement, and a scheme for the phasing, delivery and future management of public open spaces within the appeal site, which must total 3.26ha, and not include the emergency access/secondary access nor adopted highway verge on Moat Road.

The following quantum of publicly accessible open space must be provided and shall not include any parts of the eastern buffer between rear garden fences:

- 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; and,
- no less than 1.9ha of natural and semi natural open space.

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.

The development shall be carried out in accordance with the approved details.

- 37) The 'layout' reserved matters shall include details of facilities for the storage of refuse on the site, secure and covered cycle storage relating to each dwelling, and parking/turning areas. The development shall be carried out in accordance with the approved details.